



**PLANNING COMMISSION AGENDA**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

CALL TO ORDER: COMMISSIONERS' BRIEFING, 5:45 P.M. in Council Chambers of City Hall, 400 Stewart Avenue, Las Vegas, Nevada

**ATTENDANCE:**

PRESENT: CHAIRMAN RICHARD TRUESDELL, VICE CHAIRMAN TODD NIGRO, MEMBERS STEVEN EVANS, LAURA McSWAIN, LEO DAVENPORT AND DAVID STEINMAN

EXCUSED: BYRON GOYNES

STAFF PRESENT: MARGO WHEELER – PLANNING & DEVELOPMENT DEPT., GARY LEOBOLD – PLANNING & DEVELOPMENT DEPT., FLINN FAGG, PLANNING & DEVELOPMENT DEPT., DAVID GUERRA – PUBLIC WORKS, YONGYAO LOU – PUBLIC WORKS, BRYAN SCOTT – CITY ATTORNEY'S OFFICE, ARLENE COLEMAN – CITY CLERK'S OFFICE, STACEY CAMPBELL – CITY CLERK'S OFFICE

GARY LEOBOLD, Planning and Development Department, referenced the following items that were requested to be held in abeyance, tabled or withdrawn without prejudice. Letters are on file for each of the requests.

Item 19 [SDR-5700]	Abeyance to 2/10/2005 Planning Commission Meeting
Item 31 [VAR-5216]	Withdrawn Without Prejudice
Item 35 [ZON-5653]	Abeyance to 2/10/2005 Planning Commission Meeting
Item 36 [SUP-5853]	Abeyance to 2/10/2005 Planning Commission Meeting
Item 37 [SDR-5657]	Abeyance to 2/10/2005 Planning Commission Meeting
Item 42 [GPA-5661]	Withdrawn Without Prejudice
Item 53 [VAR-5693]	Abeyance to 2/10/2005 Planning Commission Meeting
Item 54 [VAR-5694]	Abeyance to 2/10/2005 Planning Commission Meeting
Item 55 [SUP-5691]	Abeyance to 2/10/2005 Planning Commission Meeting
Item 56 [SDR-5689]	Abeyance to 2/10/2005 Planning Commission Meeting
Item 59 [VAR-5701]	Abeyance to 2/10/2005 Planning Commission Meeting
Item 82 [SDR-5711]	Abeyance to 2/10/2005 Planning Commission Meeting

Regarding Item 19 [SDR-5700], the applicant requested an abeyance to 2/10/2005 because KB Home Nevada Inc. is no longer involved in the project. The application will be re-noticed with Focus as the applicant prior to being heard by the Planning Commission.

Regarding Item 31 [VAR-5216], an application for a sign setback, the applicant requested the

item be Withdrawn Without Prejudice.

Regarding Item 35 [ZON-5653], Item 36 [SUP-5853] and Item 37 [SDR-5657], which were related items for the Queensboro project at Alta Drive and Rampart Boulevard. The applications pertained to a rezoning that would accommodate a mixed-use development at the site. The applicant requested the items be held to the 2/10/2005 Planning Commission meeting.

Regarding Item 42 [GPA-5661], a request for a General Plan Amendment, the applicant requested the item be Withdrawn Without Prejudice.

Regarding Item 53 [VAR-5693], Item 54 [VAR-5694], Item 55 [SUP-5691] and Item 56 [SDR-5689], which were related applications pertaining to a tavern at the northeast corner of Durango Drive and Grand Teton Drive, the applicant requested the items be held in abeyance to the 2/10/2005 Planning Commission meeting.

Regarding Item 59 [VAR-5701], a wall height variance, the applicant requested the item be held in abeyance to the 2/10/2005 Planning Commission meeting.

Regarding Item 82 [SDR-5711], a 40,000 square-foot commercial development at Rock Springs Drive and Lake Mead Boulevard, the applicant requested the item be held in abeyance to the 2/10/2005 Planning Commission meeting.

MR. LEOBOLD then informed the Commission about the other items on the agenda that needed supplemental information or condition changes.

Item 18 [SDR-5678], Item 21 [SDR-5725] and Item 22 [SDR-5546] were originally placed on the agenda in the One Motion One Vote section; however, after receiving letters of objection for the three items, the items would have to be pulled forward for discussion.

He also pointed out that Item 22 [SDR-5546] and Item 32 [VAR-5548] would be heard as Final Action items and would not be forwarded to City Council as indicated on the Agenda.

Regarding Item 70 [SUP-5686], Item 71 [SUP-5690] and Item 72 [SDR-5692], which were companion items for CityMark Development, MR. LEOBOLD indicated that the applicant had a scheduling conflict with the proposed 2/16/2005 City Council meeting date due to an out of town commitment. The applicant requested that if the items were approved, they be forwarded to City Council for the 3/02/2005 meeting.

Regarding Item 6 [TMP-5708], staff requested that the Commission consider the deletion of Condition 2.

Regarding Item 7 [TMP-5710], staff requested that the Commission consider the deletion of Condition 1.

Regarding Item 23 [SDR-5679], staff asked that Condition 3 be replaced.

Regarding Item 28 [SDR-5098], staff asked that Condition 4 be changed to reference a date stamp for the floor plan submitted on 1/12/2005. Also, that Condition 5 be amended to reflect the modified setbacks on the floor plan.

Regarding Item 67 [SDR-5662] and Item 72 [SDR-5692], MR. LEOBOLD indicated the Public Works Department would have revised and added conditions to be read into the record when the items were heard.

DAVID GUERRA, Public Works Department, pointed out that a condition would have to be added to Item 34 [SDR-5556] and Item 72 [SDR-5692] when the items were heard.

CHRIS KAEMPFER, Attorney, Kummer Kaempfer Bonner & Renshaw, appeared on behalf of the applicant for Item 15 [SUP-5723] and Item 16 [SDR-5731]. He indicated that after speaking with staff, he would like both items pulled from the One Motion One Vote portion of the agenda to discuss the removal of Conditions 6 and 7 from Item 15 [SUP-5723] and to get a clarification of conditions on Item 16 [SDR-5731].

**MEETING ADJOURNED AT 5:50 P.M.**



**PLANNING COMMISSION AGENDA**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

ALL ITEMS ON THIS AGENDA ARE SCHEDULED FOR ACTION UNLESS SPECIFICALLY NOTED OTHERWISE.

THESE PROCEEDINGS ARE BEING PRESENTED LIVE ON KCLV, CABLE CHANNEL 2. THE PLANNING COMMISSION MEETING, AS WELL AS ALL OTHER KCLV PROGRAMMING, CAN BE VIEWED ON THE CITY'S INTERNET AT [www.kclv.tv](http://www.kclv.tv). THE PROCEEDINGS WILL BE REBROADCAST ON KCLV CHANNEL 2 AND THE WEB SATURDAY AT 10:00 AM, THE FOLLOWING MONDAY AT MIDNIGHT AND TUESDAY AT 5:00 PM.

PLEDGE OF ALLEGIANCE was led by ROBERT GENZER

CALL TO ORDER: 6:02P.M. in Council Chambers of City Hall, 400 Stewart Avenue, Las Vegas, Nevada

ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

**MINUTES:**

PRESENT: CHAIRMAN RICHARD TRUESDELL, VICE CHAIRMAN TODD NIGRO, MEMBERS STEVEN EVANS, BYRON GOYNES, LAURA McSWAIN, LEO DAVENPORT AND DAVID STEINMAN

STAFF PRESENT: MARGO WHEELER – PLANNING & DEVELOPMENT DEPT., GARY LEOBOLD – PLANNING & DEVELOPMENT DEPT., FLINN FAGG, PLANNING & DEVELOPMENT DEPT., DAVID GUERRA – PUBLIC WORKS, YONGYAO LOU – PUBLIC WORKS, BRYAN SCOTT – CITY ATTORNEY'S OFFICE, ARLENE COLEMAN – CITY CLERK'S OFFICE, STACEY CAMPBELL – CITY CLERK'S OFFICE

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Item 56 [SDR-5689]	Abeyance to 2/10/2005 Planning Commission Meeting
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Regarding Item 82 [SDR-5711], a 40,000 square-foot commercial development at Rock Springs Drive and Lake Mead Boulevard, the applicant requested the item be held in abeyance to the 2/10/2005 Planning Commission meeting.

**VICE CHAIRMAN NIGRO motioned to bring forward and HOLD IN ABEYANCE Item 19 [SDR-5700], Item 35 [ZON-5653], Item 36 [SUP-5853], Item 37 [SDR-5657], Item 53 [VAR-5693], Item 54 [VAR-5694], Item 55 [SUP-5691], Item 56 [SDR-5689], Item 59 [VAR-5701] and Item 82 [SDR-5711] to the 2/10/2005 Planning Commission Meeting and WITHDRAW WITHOUT PREJUDICE Item 31 [VAR-5216] and Item 42 [GPA-5661] – UNANIMOUS**

NOTE: COMMISSIONER McSWAIN stated that she would vote on the abeyance request for Item 19 [SDR-5700]; however, when the item is brought back before the Commission, she would abstain because her company, Terra Contracting, is presently under contract with KB Home.

(6:05 – 6:08)



**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

**SUBJECT:**

Approval of the minutes of the November 4, 2004 and December 2, 2004 Planning Commission Meetings

**MOTION:**

**NIGRO – APPROVED - UNANIMOUS**

**MINUTES:**

There was no discussion.

(6:04 – 6:04

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**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

**CHAIRMAN TRUESDELL announced the subdivision items could be appealed by the applicant or aggrieved person or a review requested by a member of the City Council.**

**ACTIONS:**

ALL ACTIONS ON TENTATIVE AND FINAL SUBDIVISION MAPS ARE FINAL UNLESS AN APPEAL IS FILED BY THE APPLICANT OR AN AGGRIEVED PERSON, OR A REVIEW IS REQUESTED BY A MEMBER OF THE CITY COUNCIL WITHIN SEVEN DAYS OF THE DATE NOTICE IS SENT TO THE APPLICANT. UNLESS OTHERWISE INDICATED DURING THE MEETING, ALL OTHER ACTIONS BY THE PLANNING COMMISSION ARE RECOMMENDATIONS TO THE CITY COUNCIL, IN WHICH CASE ALL FINAL DECISIONS, CONDITIONS, STIPULATIONS OR LIMITATIONS ARE MADE BY THE CITY COUNCIL.

**CHAIRMAN TRUESDELL read the statement on the order of the items and the time limitations on persons wishing to be heard on an item.**

ANY ITEM LISTED IN THIS AGENDA MAY BE TAKEN OUT OF ORDER IF SO REQUESTED BY THE APPLICANT, STAFF, OR A MEMBER OF THE PLANNING COMMISSION. THE PLANNING COMMISSION MAY IMPOSE TIME LIMITATIONS, AS NECESSARY, ON THOSE PERSONS WISHING TO BE HEARD ON ANY AGENDA ITEM.



**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

**CHAIRMAN TRUESDELL noted the Rules of Conduct.**

**PLANNING COMMISSION MEETING RULES OF CONDUCT.**

1. Staff will present each item to the Commission in order as shown on the agenda, along with a recommendation and suggested conditions of approval, if appropriate.
2. The applicant is asked to be at the public microphone during the staff presentation. When the staff presentation is complete, the applicant should state his name and address, and indicate whether or not he accepts staff's conditions of approval.
3. If areas of concern are known in advance, or if the applicant does not accept staff's conditions, the applicant or his representative is invited to make a brief presentation of his item with emphasis on any items of concern.
4. Persons other than the applicant who support the request are invited to make brief statements after the applicant. If more than one supporter is present, comments should not be repetitive. A representative is welcome to speak and indicate that he speaks for others in the audience who share his view.
5. Objectors to the item will be heard after the applicant and any other supporters. All who wish to speak will be heard, but in the interest of time it is suggested that representatives be selected who can summarize the views of any groups of interested parties.
6. After all objectors' input has been received, the applicant will be invited to respond to any new issues raised.
7. Following the applicant's response, the public hearing will be closed; Commissioners will discuss the item amongst themselves, ask any questions they feel are appropriate, and proceed to a motion and decision on the matter.
8. Letters, petitions, photographs and other submissions to the Commission will be retained for the record. Large maps, models and other materials may be displayed to the Commission from the microphone area, but need not be handed in for the record unless requested by the Commission.

As a courtesy, we would also ask those not speaking to be seated and not interrupt the speaker or the Commission. We appreciate your courtesy and hope you will help us make your visit with the Commission a good and fair experience.



**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: M. MARGO WHEELER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**TMP-4546 - CLIFF SHADOWS TOWNHOMES - APPLICANT/OWNER: CLIFF SHADOW PROPERTIES, LIMITED LIABILITY COMPANY** - Request for a Tentative Map FOR A 192-UNIT TOWNHOUSE DEVELOPMENT on 15.90 acres adjacent to the southeast corner of Lone Mountain Road and Cliff Shadows Parkway (APN: 137-01-101-026), U (Undeveloped) Zone [MLA (Medium Low Density Attached Residential) General Plan Designation] under Resolution of Intent to R-PD12 (Residential Planned Development - 12 Units per Acre), Ward 4 (Brown).

**P.C. FINAL ACTION**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**RECOMMENDATION:**

Staff recommends APPROVAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**NIGRO – APPROVED** subject to conditions Consent Item 1 [TMP-4546], Item 2 [TMP-5593], Item 3 [TMP-5695], Item 4 [TMP-5698], Item 5 [TMP-5708], Item 8 [TMP-5860], Item 9 [ANX-5656] and Item 10 [ANX-5674] – **UNANIMOUS** with McSWAIN abstaining on Item 2 [TMP-4546] because her company, Terra Contracting, is finishing work for the Boulders Apartments

**This is Final Action**

**MINUTES:**

CHAIRMAN TRUESDELL stated this is a consent item.

GARY LEOBOLD, Planning & Development Department, indicated that the applicants on Item 6 [TMP-5710] and Item 7 [TMP-5712] were seeking some relatively minor changes on the applications and suggested they be pulled from the Consent portion of the agenda for discussion.

(6:08 – 6:12)

PLANNING COMMISSION MEETING OF DECEMBER 16, 2004  
Planning and Development Department  
Item 1 – TMP-4546

**CONDITIONS:**

Planning and Development

1. Approval of the Tentative Map shall be for no more than two (2) years. If a Final Map is not recorded on all or a portion of the area embraced by the Tentative Map within two (2) years of the approval of the Tentative Map, a new Tentative Map must be filed.
2. All development shall conform to the Conditions of Approval for Rezoning (ZON-2634), Variance (VAR-2958), Waiver (WVR-5355), and Site Development Plan Review (SDR-2635).
3. Street names must be provided in accordance with the City's Street Naming Regulations.
4. All development is subject to the conditions of City Departments and State Subdivision Statutes.
5. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

Public Works

6. Per Las Vegas Municipal Code, 19.20.020, "Dwelling, Townhouse" requires each townhome to be located on a separately owned lot and per Las Vegas Municipal Code 18.12.390, each lot requires a separate lateral to the public sewer. Provide public sewers in each private street or drive within this development and separate laterals from each lot. Coordinate with the Collection Systems Planning Section of the Department of Public Works to extend an oversized public sewer from Yellow Harbor Street northward to Lone Mountain Road and to extend public sewer in Peaceful Dawn Avenue to the west edge of this development at a location and depth acceptable to the City Engineer.
7. This site shall be responsible for sewer connection fees in accordance with all requirements per Title 14 Chapter 14.04.020 Equivalent Residential Unit (ERU) Schedule. If some or all of these units have already paid fees based upon apartment or other usage requirements, the difference between townhouse and apartment or other fees for those units shall be paid prior to the recordation of a Final Map for this site.
8. A Homeowner's Association shall be established to maintain all perimeter walls, private roadways, landscaping and common areas created with this development. All landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 1 – TMP-4546

**CONDITIONS – Continued:**

9. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Final Map for this site. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.
10. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building permits, submittal of any construction drawings or the recordation of a Final Map for this site, whichever may occur first. Provide and improve all drainageways as recommended in the approved drainage plan/study.
11. Site development to comply with all applicable conditions of approval for ZON-2634, SDR-2635, and all other subsequent site-related actions.
12. The approval of all Public Works related improvements shown on this Tentative Map is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to approval of the construction plans by the City. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the recordation of a Final Map or the approval of subdivision-related construction plans, whichever may occur first. Approval of this Tentative Map does not constitute approval of any deviations. If such approval cannot be obtained, a revised Tentative Map must be submitted showing elimination of such deviations.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: M. MARGO WHEELER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**TMP-5593 - TENTATIVE MAP - THE BOULDERS - APPLICANT: COLERAINE CAPITAL GROUP, INC. - OWNER: BOULDERS APARTMENTS, LLC** - Request for a Tentative Map FOR A 388-UNIT RESIDENTIAL CONDOMINIUM SUBDIVISION on 21.3 acres at 3450 North Hualapai Way (APN 138-07-301-002,008,009 and 138-07-401-002), PD (Planned Development) Zone [Multi-Family Medium Lone Mountain Special Land Use Designation], Ward 4 (Brown).

**P.C. FINAL ACTION**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

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**RECOMMENDATION:**

Staff recommends APPROVAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**NIGRO – APPROVED** subject to conditions Consent Item 1 [TMP-4546], Item 2 [TMP-5593], Item 3 [TMP-5695], Item 4 [TMP-5698], Item 5 [TMP-5708], Item 8 [TMP-5860], Item 9 [ANX-5656] and Item 10 [ANX-5674] – **UNANIMOUS** with McSWAIN abstaining on Item 2 [TMP-4546] because her company, Terra Contracting, is finishing work for the Boulders Apartments

**This is Final Action**

**MINUTES:**

CHAIRMAN TRUESDELL stated this is a consent item.

GARY LEOBOLD, Planning & Development Department, indicated that the applicants on Item 6 [TMP-5710] and Item 7 [TMP-5712] were seeking some relatively minor changes on the applications and suggested they be pulled from the Consent portion of the agenda for discussion.

(6:08 – 6:12)

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 2 – TMP-5593

**CONDITIONS:**

Planning and Development

1. Approval of the Tentative Map shall be for no more than two (2) years. If a Final Map is not recorded on all or a portion of the area included in the Tentative Map within two (2) years of the approval of the Tentative Map, a new Tentative Map must be filed.
2. The development shall conform to the Conditions of Approval for Site Development Plan Reviews Z-0033-97(8) and SDR-5493 and the special conditions noted herein.
3. All development is subject to the conditions of city departments and state subdivision statutes.
4. Prior to approval of any final map, the developer is required to adopt a plan for the maintenance of infrastructure improvements.
  - (a) The plan is to include a listing of all infrastructure improvements along with assignment of maintenance responsibility to a common interest community, individual property owner, or City of Las Vegas, and the proposed level of maintenance for privately maintained components.
  - (b) The agreement must be approved by the City of Las Vegas and must include a certification by the licensed professional engineer of record that all infrastructure components are addressed in the maintenance plan.
  - (c) The plan must include a statement that all properties within the community are subject to assessment for all associated costs should private maintenance obligations not be met and the City of Las Vegas is then required to provide for said maintenance.
  - (d) The adoption process must include recordation of the plan against all parcels prior to approval of the final map.

Public Works

5. The site development shall comply with all applicable conditions of approval for SDR-5493 and all other subsequent site-related actions.
6. The approval of all Public Works related improvements shown on this Tentative Map is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to approval of the construction plans by the City.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 2 – TMP-5593

**CONDITIONS – Continued:**

No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the recordation of a Final Map or the approval of subdivision-related construction plans, whichever may occur first. Approval of this Tentative Map does not constitute approval of any deviations. If such approval cannot be obtained, a revised Tentative Map must be submitted showing elimination of such deviations.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: M. MARGO WHEELER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**TMP-5695 - TENTATIVE MAP - GRAND CANYON VILLAGE CONDOMINIUMS - APPLICANT: EMERGING MARKETS OF NO. AMERICA - OWNER: GRAND CANYON INVESTORS, LLC - Request for a Tentative Map FOR THE CONVERSION OF A 376-UNIT APARTMENT PROJECT TO A CONDOMINIUM DEVELOPMENT on 18.84 acres at 8250 North Grand Canyon Drive (APN 125-07-701-004), PD (Planned Development) Zone, Ward 6 (Mack).**

**P.C. FINAL ACTION**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

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**RECOMMENDATION:**

Staff recommends APPROVAL

**BACKUP DOCUMENTATION:**

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**MOTION:**

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(6:08 – 6:12)

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 3 – TMP-5695

**CONDITIONS:**

Planning and Development

1. All development shall conform to the Conditions of Approval for Z-0093-00, Z-0093-00 (4), and SDR-5382.
2. Prior to approval of any final map, developer is required to adopt a plan for the maintenance of infrastructure improvements. The plan is to include a listing of all infrastructure improvements, along with assignment of maintenance responsibility to common interest community, individual property owner, or City of Las Vegas, and the proposed level of maintenance for privately maintained components. The agreement must be approved by the City of Las Vegas, and must include a certification by the licensed professional engineer of record that all infrastructure components are addressed in the maintenance plan. The plan must include a statement that all properties within the community are subject to assessment for all associated costs should private maintenance obligations not be met, and the City of Las Vegas be required to provide for said maintenance. The adoption process must include recordation of the plan against all parcels prior to approval of the final map. In addition, should the development have a recreational trail, in accordance with NRS 278.4787, the following text should be added prior to the last sentence to the previous text: The plan shall note that the recreational trail to be transferred to the ownership of the City of Las Vegas shall be maintained at a basic level through utilization of public resources. That basic level to be defined as removal of debris and surface grading once every calendar year. Should additional maintenance activities be requested by the common interest community, or members thereof, the associated costs shall be assessed to the common interest community and/or members thereof.
3. A Homeowner's Association shall be created that will be responsible for the common areas of the development.
4. Approval of the Tentative Map shall be for no more than two (2) years. If a Final Map is not recorded on all or a portion of the area included in the Tentative Map within two (2) years of the approval of the Tentative Map, a new Tentative Map must be filed.
5. Street names must be provided in accordance with the City's Street Naming Regulations.
6. The development shall comply with all City Codes and State Subdivision Statutes.

Public Works

7. Remove all substandard public street improvements, if any, adjacent to this site and replace with new improvements meeting current City Standards prior to recordation of a Final Map for this site.



PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 3 – TMP-5695

**CONDITIONS – Continued:**

8. Site development to comply with all applicable conditions of approval for the Grand Canyon Village Master Plan, Z-0093-00, SDR-5382 and all other applicable site-related actions.
9. The approval of all Public Works related improvements shown on this Tentative Map is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to approval of the construction plans by the City. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the recordation of a Final Map or the approval of subdivision-related construction plans, whichever may occur first. Approval of this Tentative Map does not constitute approval of any deviations. If such approval cannot be obtained, a revised Tentative Map must be submitted showing elimination of such deviations.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: M. MARGO WHEELER**

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**CONSENT**

☐

**DISCUSSION**

**SUBJECT:**

**TMP-5698 - TENTATIVE MAP - LOWES PLAZA AT CRAIG & JONES - APPLICANT: EN ENGINEERING, INC.- OWNER: MARY BARTSAS 13, LLC - Request for a Tentative Map FOR A ONE-LOT COMMERCIAL SUBDIVISION on 16.5 acres adjacent to the northwest corner of Craig Road and Jones Boulevard (APN 138-02-601-004), R-E (Residence Estates) Zone under Resolution of Intent to C-1 (Limited Commercial) Zone, Ward 6 (Mack).**

**P.C. FINAL ACTION**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**RECOMMENDATION:**

Staff recommends APPROVAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**NIGRO – APPROVED subject to conditions Consent Item 1 [TMP-4546], Item 2 [TMP-5593], Item 3 [TMP-5695], Item 4 [TMP-5698], Item 5 [TMP-5708], Item 8 [TMP-5860], Item 9 [ANX-5656] and Item 10 [ANX-5674] – UNANIMOUS with McSWAIN abstaining on Item 2 [TMP-4546] because her company, Terra Contracting, is finishing work for the Boulders Apartments**

**This is Final Action**

**MINUTES:**

CHAIRMAN TRUESDELL stated this is a consent item.

GARY LEOBOLD, Planning & Development Department, indicated that the applicants on Item 6 [TMP-5710] and Item 7 [TMP-5712] were seeking some relatively minor changes on the applications and suggested they be pulled from the Consent portion of the agenda for discussion.

(6:08 – 6:12)

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 4 – TMP-5698

**CONDITIONS:**

Planning and Development

1. Prior to approval of any final map, developer is required to adopt a plan for the maintenance of infrastructure improvements. The plan is to include a listing of all infrastructure improvements, along with assignment of maintenance responsibility to common interest community, individual property owner, or City of Las Vegas, and the proposed level of maintenance for privately maintained components. The agreement must be approved by the City of Las Vegas, and must include a certification by the licensed professional engineer of record that all infrastructure components are addressed in the maintenance plan. The plan must include a statement that all properties within the community are subject to assessment for all associated costs should private maintenance obligations not be met, and the City of Las Vegas be required to provide for said maintenance. The adoption process must include recordation of the plan against all parcels prior to approval of the final map. In addition, should the development have a recreational trail, in accordance with NRS 278.4787, the following text should be added prior to the last sentence to the previous text: The plan shall note that the recreational trail to be transferred to the ownership of the City of Las Vegas shall be maintained at a basic level through utilization of public resources. That basic level to be defined as removal of debris and surface grading once every calendar year. Should additional maintenance activities be requested by the common interest community, or members thereof, the associated costs shall be assessed to the common interest community and/or members thereof.
2. Approval of the Tentative Map shall be for no more than two (2) years. If a Final Map is not recorded on all or a portion of the area embraced by the Tentative Map within two (2) years of the approval of the Tentative Map, a new Tentative Map must be filed.
3. Street names must be provided in accordance with the City's Street Naming Regulations.
4. All development is subject to the conditions of City Departments and State Subdivision Statutes.

Public Works

5. The Final Map for this site shall dedicate the necessary right-of-way for a bus turnout on
6. All notes discussed within Las Vegas Municipal Code Title 18 Subdivision Ordinance Section 18.10.230, subsections (A), (B), and (C) are required and shall appear on the recorded Final Map.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 4 – TMP-5698

**CONDITIONS – Continued:**

7. The Special Improvement District section of the Department of Public Works must be contacted and appropriate written agreements (if necessary) must be executed by the property owner(s) of record prior to the recordation of a Final Map or the issuance of any building permits, whichever may occur first. The written agreements (if applicable) will allow the recalculation and/or the redistribution of all assessments of record on this site.
8. Site development to comply with all applicable conditions of approval for Z-81-02, SDR-4995 and all other applicable site-related actions.
9. The approval of all Public Works related improvements shown on this Tentative Map is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to approval of the construction plans by the City. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the recordation of a Final Map or the approval of subdivision-related construction plans, whichever may occur first. Approval of this Tentative Map does not constitute approval of any deviations. If such approval cannot be obtained, a revised Tentative Map must be submitted showing elimination of such deviations.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: M. MARGO WHEELER**

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**CONSENT**

☐

**DISCUSSION**

**SUBJECT:**

**TMP-5708 - TENTATIVE MAP – SUMMERLIN VILLAGE 20 PARCEL "A" COMMERCIAL SUBDIVISION – APPLICANT/OWNER: THE HOWARD HUGHES CORPORATION** - Request for a Tentative Map FOR A TWO-LOT COMMERCIAL SUBDIVISION on 11.21 acres adjacent to the northeast corner of Desert Foothills Drive and Charleston Boulevard (APN 137-35-410-005), P-C (Planned Community) Zone, Ward 2 (Wolfson).

**P.C. FINAL ACTION**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**RECOMMENDATION:**

Staff recommends APPROVAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**NIGRO – APPROVED subject to conditions Consent Item 1 [TMP-4546], Item 2 [TMP-5593], Item 3 [TMP-5695], Item 4 [TMP-5698], Item 5 [TMP-5708], Item 8 [TMP-5860], Item 9 [ANX-5656] and Item 10 [ANX-5674] – UNANIMOUS with McSWAIN abstaining on Item 2 [TMP-4546] because her company, Terra Contracting, is finishing work for the Boulders Apartments**

**This is Final Action**

**MINUTES:**

CHAIRMAN TRUESDELL stated this is a consent item.

GARY LEOBOLD, Planning & Development Department, indicated that the applicants on Item 6 [TMP-5710] and Item 7 [TMP-5712] were seeking some relatively minor changes on the applications and suggested they be pulled from the Consent portion of the agenda for discussion.

(6:08 – 6:12)

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 5 – TMP-5708

**CONDITIONS:**

Planning and Development

1. A letter of approval from the City Referral Group must be received by the City of Las Vegas Planning and Development Department.
2. Approval of the Tentative Map shall be for no more than two (2) years. If a Final Map is not recorded on all or a portion of the area included in the Tentative Map within two (2) years of the approval of the Tentative Map, a new Tentative Map must be filed.
3. All development shall conform to the Conditions of Approval for Rezoning (Z-0119-96), the terms of Agreement for the Summerlin West Planned Community, and Summerlin Development Standards.
4. Street names must be provided in accord with the City's Street Naming Regulations.
5. Prior to approval of any final map, the developer is required to adopt a plan for the maintenance of infrastructure improvements.
  - (a) The plan is to include a listing of all infrastructure improvements along with assignment of maintenance responsibility to a common interest community, individual property owner, or City of Las Vegas, and the proposed level of maintenance for privately maintained components.
  - (b) The agreement must be approved by the City of Las Vegas and must include a certification by the licensed professional engineer of record that all infrastructure components are addressed in the maintenance plan.
  - (c) The plan must include a statement that all properties within the community are subject to assessment for all associated costs should private maintenance obligations not be met and the City of Las Vegas is then required to provide for said maintenance.
  - (d) The adoption process must include recordation of the plan against all parcels prior to approval of the final map.

Public Works

6. Sewer service for this commercial subdivision shall be shown in accordance with one of the following three alternatives, and the appropriate Note shall appear on the face of the recorded Final Map:

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 5 – TMP-5708

**CONDITIONS – Continued:**

- I. Onsite sewers, eight-inches in diameter or larger, are public sewers within 20foot wide dedicated public sewer easements.
- II. Onsite sewers are a common element privately owned and maintained per the Conditions, Covenants, and Restrictions (CC&Rs) of this commercial subdivision.
- III. Onsite sewers are a common element privately owned and maintained per the Joint Use Agreement of this commercial subdivision.
7. Construct sidewalk on at least one side of all access drives connecting this site to the adjacent public streets concurrent with development of this site; the connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the on-site roadway network; the connecting sidewalk shall be terminated on-site with a handicap ramp.
8. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.
9. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.
10. Site development to comply with all applicable conditions of approval for Summerlin Village 20 Parcel “A” and all other subsequent site-related actions.
11. The approval of all Public Works related improvements shown on this Tentative Map is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 5 – TMP-5708

**CONDITIONS – Continued:**

improvements, shall be resolved prior to approval of the construction plans by the City. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the recordation of a Final Map or the approval of subdivision-related construction plans, whichever may occur first. Approval of this Tentative Map does not constitute approval of any deviations. If such approval cannot be obtained, a revised Tentative Map must be submitted showing elimination of such deviations.



**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: M. MARGO WHEELER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**TMP-5710 - TENTATIVE MAP - MANCHESTER PARK AT PROVIDENCE - APPLICANT: TROPHY HOMES - OWNER: TOUSA HOMES, INC.** - Request for a Tentative Map FOR A 286-LOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION on 40 acres adjacent to the southeast corner of Puli Road and Farm Road (APN 126-13-310-001, 126-13-301-005, and 126-13-301-006) PD (Planned Development) Zone, Ward 6, (Mack).

**P.C. FINAL ACTION**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**RECOMMENDATION:**

Staff recommends APPROVAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**NIGRO – APPROVED** subject to conditions and deleting Condition 1 – **UNANIMOUS** with McSWAIN abstaining because her company, Terra Contracting, is currently under contract with Trophy Homes

**MINUTES:**

GARY LEOBOLD, Planning & Development Department, indicated that the application for Item 6 [TMP-5710] should be pulled from the Consent agenda because of a minor condition change. Condition 1, which relates to Puli Road being shown on the map as 80 feet, could be removed as it was unnecessary.

(6:08 – 6:12)

**1-180**

**CONDITIONS:**

Planning and Development

1. The references to Puli Road being a 70-foot right of way shall be changed to show a right-of-way of 80 feet per TMP-3798.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 6 – TMP-5710

**CONDITIONS – Continued:**

2. Approval of the Tentative Map shall be for no more than two (2) years. If a Final Map is not recorded on all or a portion of the area embraced by the Tentative Map within two (2) years of the approval of the Tentative Map, a new Tentative Map must be filed.
3. All development shall conform to the Conditions of Approval for Rezonings (ZON-2184 and ZON-1540), the Cliff's Edge Master Development Plan and Design Standards, and the Cliff's Edge Development Agreement.
4. Street names must be provided in accord with the City's Street Naming Regulations.
5. All development is subject to the conditions of City Departments and State Subdivision Statutes.
6. Prior to approval of any final map, developer is required to adopt a plan for the maintenance of infrastructure improvements. The plan is to include a listing of all infrastructure improvements, along with assignment of maintenance responsibility to common interest community, individual property owner, or City of Las Vegas, and the proposed level of maintenance for privately maintained components. The agreement must be approved by the City of Las Vegas, and must include a certification by the licensed professional engineer of record that all infrastructure components are addressed in the maintenance plan. The plan must include a statement that all properties within the community are subject to assessment for all associated costs should private maintenance obligations not be met, and the City of Las Vegas be required to provide for said maintenance. The adoption process must include recordation of the plan against all parcels prior to approval of the final map. In addition, should the development have a recreational trail, in accordance with NRS 278.4787, the following text should be added prior to the last sentence to the previous text: The plan shall note that the recreational trail to be transferred to the ownership of the City of Las Vegas shall be maintained at a basic level through utilization of public resources. That basic level to be defined as removal of debris and surface grading once every calendar year. Should additional maintenance activities be requested by the common interest community, or members thereof, the associated costs shall be assessed to the common interest community and/or members thereof.

Public Works

7. Dedicate 35 feet of right-of-way adjacent to this site for Shaumber Road where no right-of-way currently exists and provide a 25-foot wide common element adjacent to the right-of-way dedication to accommodate the Providence master planned street corridor to be privately maintained by the Homeowner's Association for this site or the association created by the Master Developer.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 6 – TMP-5710

**CONDITIONS – Continued:**

8. Grant pedestrian access easements for all sidewalks located outside of the public street right-of-way.
9. The Special Improvement District section of the Department of Public Works must be contacted and appropriate written agreements (if necessary) must be executed by the property owner(s) of record prior to the recordation of a Final Map or the issuance of any building permits, whichever may occur first. The written agreements (if applicable) will allow the recalculation and/or the redistribution of all assessments of record on this site.
10. If not already constructed by the Master Developer, construct the full width street improvements on Puli Road and half street improvements on Shaumber Road and Farm Road, including appropriate overpaving, adjacent to this site concurrent with development. In addition, a minimum of two lanes of paved, legal access to the nearest constructed public street shall be in place prior to final inspection of any units within this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete).
11. If not constructed at the time of development by the Master Developer, landscape and maintain all unimproved right-of-way on Puli Road, Shaumber Road, and Farm Road adjacent to this site concurrent with development of this site.
12. If not obtained at the time of development by the Master Developer, submit an Encroachment Agreement for all landscaping and private improvements in the Puli Road, Shaumber Road, and Farm Road public rights-of-way adjacent to this site.
13. Gated entry drives shall be designed, located and constructed in accordance with Standard Drawing #222a.
14. A Homeowner's Association shall be established to maintain all perimeter walls, private roadways, landscaping and common areas created with this development. All landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
15. Provide public sewer easements for all public sewers not located within existing public street right-of-way, including across common lot "B", prior to the issuance of any permits as required by the Department of Public Works. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 6 – TMP-5710

**CONDITIONS – Continued:**

16. Public drainage easements must be common lots or within private streets or private drives that are to be privately maintained by a homeowner's association or maintenance association for all public drainage not located within existing public street right-of-way.
17. Private streets and private drives must be public utility easements (P.U.E.), City of Las Vegas sewer easements and public drainage easements to be privately maintained by the Homeowner's Association.
18. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Final Map for this site. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.
19. Show and dimension the common lots and adjacent right-of-way on the Final Map(s) for this site as recorded by the Cliff's Edge parent map and include the recorder's information (subdivision name, book and page number).
20. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.
21. Site development to comply with all applicable conditions of approval for previous zoning actions, Master Drainage Studies, Cliff's Edge Parent Map, Cliff's Edge Development Standards, Design Guidelines and Development Agreement, the "Sight Distance Along Shaumber Road within Cliff's Edge" design document dated March 4, 2004 and all other applicable site-related actions.
22. The approval of all Public Works related improvements shown on this Tentative Map is in concept only. Specific design and construction details relating to size, type and/or

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 6 – TMP-5710

**CONDITIONS – Continued:**

alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to approval of the construction plans by the City. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the recordation of a Final Map or the approval of subdivision-related construction plans, whichever may occur first. Approval of this Tentative Map does not constitute approval of any deviations. If such approval cannot be obtained, a revised Tentative Map must be submitted showing elimination of such deviations.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: M. MARGO WHEELER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**TMP-5712 - TENTATIVE MAP - SUMMERLIN VILLAGE 24 PARCEL "B" SHADOW POINT - APPLICANT/OWNER: THE HOWARD HUGHES CORPORATION** - Request for a Tentative Map FOR A 105-LOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION on 35.80 acres adjacent to the southwest corner of Charleston Boulevard and Sky Vista Drive (APN 137-22-000-011), P-C (Planned Community) Zone, Ward 2 (Wolfson).

**P.C. FINAL ACTION**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**RECOMMENDATION:**

Staff recommends APPROVAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**NIGRO – APPROVED subject to conditions and deleting Condition 1 – UNANIMOUS**

**MINUTES:**

VICE CHAIRMAN NIGRO confirmed with MARGO WHEELER, Director, Planning & Development Department, that the Item had been pulled off of the Consent portion of the agenda because staff had suggested during the briefing that Condition 1 of Item 7 [TMP-5712] be deleted.

(6:08 – 6:12)

**1-180**

**CONDITIONS:**

Planning and Development

1. Approval of the Tentative Map shall be for no more than two (2) years. If a Final Map is not recorded on all or a portion of the area embraced by the Tentative Map within two (2) years of the approval of the Tentative Map, a new Tentative Map must be filed.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 7 – TMP-5712

**CONDITIONS – Continued:**

2. All development shall conform to the Conditions of Approval for Rezoning Z-0119-96, Master Development Plan Review MDR-3867, the Summerlin West Development Agreement DA-0001-96, and the Summerlin Development Standards.
3. Prior to submittal for a Final Map Technical Review or for review of Civil Improvement plans, whichever occurs first, a revised Tentative Map depicting all required setbacks shall be approved by the Planning and Development Department and Public Works Department staff.
4. All perimeter walls, including a combination of retaining and screen walls, shall not exceed eight feet in height, measured from the base of the retaining wall, without appropriate setbacks.
5. All development is subject to the conditions of City Departments and State Subdivision Statutes.
6. Prior to approval of any final map, developer is required to adopt a plan for the maintenance of infrastructure improvements. The plan is to include a listing of all infrastructure improvements, along with assignment of maintenance responsibility to common interest community, individual property owner, or City of Las Vegas, and the proposed level of maintenance for privately maintained components. The agreement must be approved by the City of Las Vegas, and must include a certification by the licensed professional engineer of record that all infrastructure components are addressed in the maintenance plan. The plan must include a statement that all properties within the community are subject to assessment for all associated costs should private maintenance obligations not be met, and the City of Las Vegas be required to provide for said maintenance. The adoption process must include recordation of the plan against all parcels prior to approval of the final map. In addition, should the development have a recreational trail, in accordance with NRS 278.4787, the following text should be added prior to the last sentence to the previous text: The plan shall note that the recreational trail to be transferred to the ownership of the City of Las Vegas shall be maintained at a basic level through utilization of public resources. That basic level is to be defined as removal of debris and surface grading once every calendar year. Should additional maintenance activities be requested by the common interest community, or members thereof, the associated costs shall be assessed to the common interest community and/or members thereof.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 7 – TMP-5712

**CONDITIONS – Continued:**

Public Works

7. The Final Map for Summerlin Village 24 Unit 1 shall record prior to the recordation of this Final Map.
8. The Special Improvement District section of the Department of Public Works must be contacted and appropriate written agreements (if necessary) must be executed by the property owner(s) of record prior to the recordation of a Final Map for this site or the issuance of any building permits, whichever may occur first. The written agreements (if applicable) will allow the recalculation and/or the redistribution of all assessments of record on this site.
9. Private streets and private drives must be public utility easements (P.U.E.), City of Las Vegas sewer easements and public drainage easements to be privately maintained by the Homeowner's Association.
10. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits as required by the Department of Public Works. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.
11. Public drainage easements must be common lots or within private streets or private drives that are to be privately maintained by a homeowner's association or maintenance association for all public drainage not located within existing public street right-of-way.
12. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.



PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 7 – TMP-5712

**CONDITIONS – Continued:**

13. Site development to comply with all applicable conditions of approval for Summerlin Village 24 and all other subsequent site-related actions.
14. Site development to comply with all applicable Summerlin Development and Improvement Standards.
15. The approval of all Public Works related improvements shown on this Tentative Map is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to approval of the construction plans by the City. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the recordation of a Final Map or the approval of subdivision-related construction plans, whichever may occur first. Approval of this Tentative Map does not constitute approval of any deviations. If such approval cannot be obtained, a revised Tentative Map must be submitted showing elimination of such deviations.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: M. MARGO WHEELER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**TMP-5860- TENTATIVE MAP - PARK SAHARA PROPERTIES (A COMMERCIAL SUBDIVISION) - APPLICANT: TRIPLE NET PROPERTIES, LIMITED LIABILITY COMPANY - OWNER: NNN PARK SAHARA, LIMITED LIABILITY COMPANY -**  
Request for a Tentative Map FOR A ONE-LOT COMMERCIAL SUBDIVISION on 5.44 acres located adjacent to the northwest corner of Sahara Avenue and Burnham Avenue (APN: 162-02-813-001 thru 003; 162-02-814-001 thru 004), C-1 (Limited Commercial) Zone, Ward 3 (Reese).

**P.C. FINAL ACTION**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**RECOMMENDATION:**

Staff recommends APPROVAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**NIGRO – APPROVED subject to conditions Consent Item 1 [TMP-4546], Item 2 [TMP-5593], Item 3 [TMP-5695], Item 4 [TMP-5698], Item 5 [TMP-5708], Item 8 [TMP-5860], Item 9 [ANX-5656] and Item 10 [ANX-5674] – UNANIMOUS with McSWAIN abstaining on Item 2 [TMP-4546] because her company, Terra Contracting, is finishing work for the Boulders Apartments**

**This is Final Action**

**MINUTES:**

CHAIRMAN TRUESDELL stated this is a consent item.

GARY LEOBOLD, Planning & Development Department, indicated that the applicants on Item 6 [TMP-5710] and Item 7 [TMP-5712] were seeking some relatively minor changes on the applications and suggested they be pulled from the Consent portion of the agenda for discussion.

(6:08 – 6:12)

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 8 – TMP-5860

**CONDITIONS:**

Planning and Development

1. Approval of the Tentative Map shall be for no more than two (2) years. If a Final Map is not recorded on all or a portion of the area embraced by the Tentative Map within two (2) years of the approval of the Tentative Map, a new Tentative Map must be filed.
2. All development is subject to the conditions of City Departments and State Subdivision Statutes.

Public Works

3. Dedicate an additional five feet of right-of-way for a total radius of 25 feet on the northwest corner of East Sahara Avenue and Burnham Avenue.
4. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards prior to the recordation of a Final Map for this site. All new or modifications to existing driveways shall be designed, located and constructed in accordance with Standard Drawing #222A.
5. Sewer service for this commercial subdivision shall be shown in accordance with one of the following three alternatives, and the appropriate Note shall appear on the face of the recorded Final Map:
  - I. Onsite sewers, eight-inches in diameter or larger, are public sewers within 20 foot wide dedicated public sewer easements.
  - II. Onsite sewers are a common element privately owned and maintained per the Conditions, Covenants, and Restrictions (CC&Rs) of this commercial subdivision.
  - III. Onsite sewers are a common element privately owned and maintained per the Joint Use Agreement of this commercial subdivision.
6. In accordance with the intent of a Commercial Subdivision, all sites within this subdivision shall have perpetual common access to all driveways connecting this site to the abutting streets and a note to this effect shall appear on the Final Map for this site as required by the Department of Public Works. No barriers (e.g. curbs, wall, etc.) shall be erected within the boundaries of the overall commercial subdivision map site which would prohibit any vehicle on this site from utilizing any driveway connecting this commercial development site to the abutting public streets.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 8 – TMP-5860

**CONDITIONS – Continued:**

7. The approval of all Public Works related improvements shown on this Tentative Map is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to approval of the construction plans by the City. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the recordation of a Final Map or the approval of subdivision-related construction plans, whichever may occur first. Approval of this Tentative Map does not constitute approval of any deviations. If such approval cannot be obtained, a revised Tentative Map must be submitted showing elimination of such deviations.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: M. MARGO WHEELER**

☒

**CONSENT**

☐

**DISCUSSION**

**SUBJECT:**

**ANX-5656 – ANNEXATION - APPLICANT/OWNER: MICHAEL E. BURKE** - Petition to Annex property generally located on the west side of Al Carrison Street, 50 feet south of McNamee Avenue, containing approximately 1.92 acres, (APN 125-09-401-015 and 016), Ward 6 (Mack).

THIS WILL BE SENT TO CITY COUNCIL IN ORDINANCE FORM

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**RECOMMENDATION:**

Staff recommends APPROVAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application – Not Applicable
3. Staff Report

**MOTION:**

**NIGRO – APPROVED** subject to conditions Consent Item 1 [TMP-4546], Item 2 [TMP-5593], Item 3 [TMP-5695], Item 4 [TMP-5698], Item 5 [TMP-5708], Item 8 [TMP-5860], Item 9 [ANX-5656] and Item 10 [ANX-5674] – **UNANIMOUS** with McSWAIN abstaining on Item 2 [TMP-4546] because her company, Terra Contracting, is finishing work for the Boulders Apartments

**To be forwarded to City Council in Ordinance form**

**MINUTES:**

CHAIRMAN TRUESDELL stated this is a consent item.

GARY LEOBOLD, Planning & Development Department, indicated that the applicants on Item 6 [TMP-5710] and Item 7 [TMP-5712] were seeking some relatively minor changes on the applications and suggested they be pulled from the Consent portion of the agenda for discussion.

(6:08 – 6:12)

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: M. MARGO WHEELER**

☒

**CONSENT**

☐

**DISCUSSION**

**SUBJECT:**

**ANX-5674 – ANNEXATION - APPLICANT/OWNER: PROJECT K, LLC** - Petition to Annex property generally located on the northeast corner of Centennial Parkway and Kevin Way containing approximately 1.99 acres, (APN 125-20-402-007), Ward 6 (Mack).

THIS WILL BE SENT TO CITY COUNCIL IN ORDINANCE FORM

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**RECOMMENDATION:**

Staff recommends APPROVAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application – Not Applicable
3. Staff Report

**MOTION:**

**NIGRO – APPROVED** subject to conditions Consent Item 1 [TMP-4546], Item 2 [TMP-5593], Item 3 [TMP-5695], Item 4 [TMP-5698], Item 5 [TMP-5708], Item 8 [TMP-5860], Item 9 [ANX-5656] and Item 10 [ANX-5674] – **UNANIMOUS** with McSWAIN abstaining on Item 2 [TMP-4546] because her company, Terra Contracting, is finishing work for the Boulders Apartments

**To be forwarded to City Council in Ordinance form**

**MINUTES:**

CHAIRMAN TRUESDELL stated this is a consent item.

GARY LEOBOLD, Planning & Development Department, indicated that the applicants on Item 6 [TMP-5710] and Item 7 [TMP-5712] were seeking some relatively minor changes on the applications and suggested they be pulled from the Consent portion of the agenda for discussion.

(6:08 – 6:12)

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR:** M. MARGO WHEELER ☐ **CONSENT** ☒ **DISCUSSION**

**SUBJECT:**

**TMP-5677 - TENTATIVE MAP - PUBLIC HEARING - WESTERM FLEX WAREHOUSE - APPLICANT: PRECISION CONSTRUCTION - OWNER: SANDPIPER STRAND LAS VEGAS, LLC** - Request for a Tentative Map for a ONE LOT COMMERCIAL SUBDIVISION AND A WAIVER OF TITLE 18.18.110 WALL HEIGHT REQUIREMENT on 1.38 acres on the east side of Western Avenue, approximately 460 feet south of Highland Drive (APN 162-04-703-005 and 006), (M Industrial) Zone, Ward 1 (Moncrief).

**C.C. 2/16/05**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

**0**

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

**0**

**RECOMMENDATION:**

Staff recommends APPROVAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**NIGRO – APPROVED** subject to conditions on Item 11 [TMP-5677], Item 12 [SUP-5718], Item 13 [SUP-5720], Item 14 [SUP-5722], Item 17 [SDR-5611] and Item 20 [SDR-5709] and on Item 23 [SDR-5679], **APPROVED** subject to conditions and replacing Condition 3 with the following verbiage:

**3. A waiver from foundation landscaping shall be approved.**

– **UNANIMOUS** with McSWAIN abstaining from Item 12 [SUP-5718], Item 13 [SUP-5720] and Item 14 [SUP-5722] because her company, Terra Contracting, is presently bidding work for a company that is working on the project

**This is Final Action**

NOTE: CHAIRMAN TRUESDELL disclosed that in the past, he had abstained from items involving Montecito Pads, L.L.C., because of properties his company has represented in the area. However, as there is no financial interest in the properties that are adjacent to the sites and he has

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 11 – TMP-5677

**MOTION – Continued:**

not discussed the items with anyone, he would be voting on Item 12 [SUP-5718], Item 13 [SUP-5720] and Item 14 [SUP-5722].

**MINUTES:**

CHAIRMAN TRUESDELL explained that these items will be considered in One Motion/One Vote and are routine public hearing items that have no protests, waivers from the Code or condition changes by the applicant or staff. All public hearings will be opened at one time. Any person representing the applicant or a member of the Planning Commission, not in agreement with all standard conditions for the applications recommended by staff, may request to have an item removed from this part of the Agenda.

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 11 [TMP-5677], Item 12 [SUP-5718], Item 13 [SUP-5720], Item 14 [SUP-5722], Item 17 [SDR-5611], Item 20 [SDR-5709] and Item 23 [SDR-5679].

GARY LEOBOLD, Planning and Development, stated that staff requested Item 18 [SDR-5678], Item 21 [SDR-5725] and Item 22 [SDR-5546] be pulled from One Motion One Vote because staff received letters of protest on all three items.

CHRIS KAEMPFER, Attorney, Kummer Kaempfer Bonner & Renshaw, appeared on behalf of the applicant for Item 15 [SUP-5723] and Item 16 [SDR-5731] during the briefing portion of the meeting. He indicated that after speaking with staff, he would like both items pulled from the One Motion One Vote portion of the agenda to discuss the removal of Conditions 6 and 7 from Item 15 [SUP-5723] and to get a clarification of conditions on Item 16 [SDR-5731].

MR. LEOBOLD indicated that there was a condition change relative to Item 23 [SDR-5679]. MARGO WHEELER, Director, Planning & Development, requested that MR. LEOBOLD read the amended condition into the record. The new condition language was incorporated into the motion.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 11 [TMP-5677], Item 12 [SUP-5718], Item 13 [SUP-5720], Item 14 [SUP-5722], Item 17 [SDR-5611], Item 20 [SDR-5709] and Item 23 [SDR-5679].

(6:12 – 6:17)



PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 11 – TMP-5677

**CONDITIONS:**

Planning and Development

1. Approval of the Tentative Map shall be for no more than two (2) years. If a Final Map is not recorded on all or a portion of the area embraced by the Tentative Map within two (2) years of the approval of the Tentative Map, a new Tentative Map must be filed.
2. All development shall conform to the Conditions of Approval for the Variance (VAR-5086) and Site Development Plan Review (SDR-5085).
3. All development is subject to the conditions of City Departments and State Subdivision Statutes.

Public Works

4. All notes discussed within Las Vegas Municipal Code Title 18 Subdivision Ordinance Section 18.10.230, subsections (A), (B), and (C) are required and shall appear on the recorded Final Map.
5. Site development to comply with all applicable conditions of approval for (SDR-5085) and all other applicable site related actions.
6. The approval of all Public Works related improvements shown on this Tentative Map is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to approval of the construction plans by the City. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the recordation of a Final Map or the approval of subdivision-related construction plans, whichever may occur first. Approval of this Tentative Map does not constitute approval of any deviations. If such approval cannot be obtained, a revised Tentative Map must be submitted showing elimination of such deviations.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR:** M. MARGO WHEELER ☐ **CONSENT** ☒ **DISCUSSION**

**SUBJECT:**

**SUP-5718 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: MONTECITO COMPANIES - OWNER: MONTECITO PADS, LLC - Request for a Special Use Permit FOR A PROPOSED FINANCIAL INSTITUTION, GENERAL WITH DRIVE-THROUGH on Pad P of the Montecito Marketplace Development adjacent to the southeast corner of Durango Drive and Elkhorn Road (APN 125-20-510-005), T-C (Town Center) Zone [UC-TC (Urban Center – Town Center) Special Land Use Designation], Ward 6 (Mack).**

**C.C. 2/16/05**

**PROTESTS RECEIVED BEFORE:**

<b>Planning Commission Mtg.</b>	<b>0</b>
<b>City Council Meeting</b>	

**APPROVALS RECEIVED BEFORE:**

<b>Planning Commission Mtg.</b>	<b>0</b>
<b>City Council Meeting</b>	

**RECOMMENDATION:**

Staff recommends APPROVAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**NIGRO – APPROVED subject to conditions on Item 11 [TMP-5677], Item 12 [SUP-5718], Item 13 [SUP-5720], Item 14 [SUP-5722], Item 17 [SDR-5611], Item 20 [SDR-5709] and on Item 23 [SDR-5679], APPROVED subject to conditions and replacing Condition 3 with the following verbiage:**

**3. *A waiver from foundation landscaping shall be approved.***

**– UNANIMOUS with McSWAIN abstaining from Item 12 [SUP-5718], Item 13 [SUP-5720] and Item 14 [SUP-5722] because her company, Terra Contracting, is presently bidding work for a company that is working on the project**

**To be heard by City Council 2/16/2005**

NOTE: CHAIRMAN TRUESDELL disclosed that in the past, he had abstained from items involving Montecito Pads, L.L.C., because of properties his company has represented in the area. However, as there is no financial interest in the properties that are adjacent to the sites and he has

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 12 – SUP-5718

**MOTION – Continued:**

not discussed the items with anyone, he would be voting on Item 12 [SUP-5718], Item 13 [SUP-5720] and Item 14 [SUP-5722].

**MINUTES:**

CHAIRMAN TRUESDELL explained that these items will be considered in One Motion/One Vote and are routine public hearing items that have no protests, waivers from the Code or condition changes by the applicant or staff. All public hearings will be opened at one time. Any person representing the applicant or a member of the Planning Commission, not in agreement with all standard conditions for the applications recommended by staff, may request to have an item removed from this part of the Agenda.

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 11 [TMP-5677], Item 12 [SUP-5718], Item 13 [SUP-5720], Item 14 [SUP-5722], Item 17 [SDR-5611], Item 20 [SDR-5709] and Item 23 [SDR-5679].

GARY LEOBOLD, Planning and Development, stated that staff requested Item 18 [SDR-5678], Item 21 [SDR-5725] and Item 22 [SDR-5546] be pulled from One Motion One Vote because staff received letters of protest on all three items.

CHRIS KAEMPFER, Attorney, Kummer Kaempfer Bonner & Renshaw, appeared on behalf of the applicant for Item 15 [SUP-5723] and Item 16 [SDR-5731] during the briefing portion of the meeting. He indicated that after speaking with staff, he would like both items pulled from the One Motion One Vote portion of the agenda to discuss the removal of Conditions 6 and 7 from Item 15 [SUP-5723] and to get a clarification of conditions on Item 16 [SDR-5731].

MR. LEOBOLD indicated that there was a condition change relative to Item 23 [SDR-5679]. MARGO WHEELER, Director, Planning & Development, requested that MR. LEOBOLD read the amended condition into the record. The new condition language was incorporated into the motion.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 11 [TMP-5677], Item 12 [SUP-5718], Item 13 [SUP-5720], Item 14 [SUP-5722], Item 17 [SDR-5611], Item 20 [SDR-5709] and Item 23 [SDR-5679].

(6:12 – 6:17)

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 12 – SUP-5718

**CONDITIONS:**

Planning and Development

1. Conformance to all Minimum Requirements under Section 2.3 of the Montecito Town Center Development Agreement for a Drive-Through Facility use.
2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-3764) and [SDR-5731].
3. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
4. All City Code requirements and design standards of all City departments must be satisfied.
5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: M. MARGO WHEELER**

☐

**CONSENT**

☒

**DISCUSSION**

**SUBJECT:**

**SUP-5720 - SPECIAL USE PERMIT RELATED TO SUP-5718 - PUBLIC HEARING - APPLICANT: MONTECITO COMPANIES - OWNER: MONTECITO PADS, LLC - Request for a Special Use Permit FOR A PROPOSED RESTAURANT WITH DRIVE-THROUGH on Pad HH of the Montecito Marketplace Development adjacent to the northwest corner of Durango Drive and Dorrell Lane (APN 125-20-101-017), T-C (Town Center) Zone [UC-TC (Urban Center – Town Center) Special Land Use Designation], Ward 6 (Mack).**

**C.C. 2/16/05**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

<b>0</b>

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

<b>0</b>

**RECOMMENDATION:**

Staff recommends APPROVAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**NIGRO – APPROVED subject to conditions on Item 11 [TMP-5677], Item 12 [SUP-5718], Item 13 [SUP-5720], Item 14 [SUP-5722], Item 17 [SDR-5611], Item 20 [SDR-5709] and on Item 23 [SDR-5679], APPROVED subject to conditions and replacing Condition 3 with the following verbiage:**

**3. *A waiver from foundation landscaping shall be approved.***

**– UNANIMOUS with McSWAIN abstaining from Item 12 [SUP-5718], Item 13 [SUP-5720] and Item 14 [SUP-5722] because her company, Terra Contracting, is presently bidding work for a company that is working on the project**

**To be heard by City Council 2/16/2005**

NOTE: CHAIRMAN TRUESDELL disclosed that in the past, he had abstained from items involving Montecito Pads, L.L.C., because of properties his company has represented in the area. However, as there is no financial interest in the properties that are adjacent to the sites and he has

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 13 – SUP-5720

**MOTION – Continued:**

not discussed the items with anyone, he would be voting on Item 12 [SUP-5718], Item 13 [SUP-5720] and Item 14 [SUP-5722].

**MINUTES:**

CHAIRMAN TRUESDELL explained that these items will be considered in One Motion/One Vote and are routine public hearing items that have no protests, waivers from the Code or condition changes by the applicant or staff. All public hearings will be opened at one time. Any person representing the applicant or a member of the Planning Commission, not in agreement with all standard conditions for the applications recommended by staff, may request to have an item removed from this part of the Agenda.

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 11 [TMP-5677], Item 12 [SUP-5718], Item 13 [SUP-5720], Item 14 [SUP-5722], Item 17 [SDR-5611], Item 20 [SDR-5709] and Item 23 [SDR-5679].

GARY LEOBOLD, Planning and Development, stated that staff requested Item 18 [SDR-5678], Item 21 [SDR-5725] and Item 22 [SDR-5546] be pulled from One Motion One Vote because staff received letters of protest on all three items.

CHRIS KAEMPFER, Attorney, Kummer Kaempfer Bonner & Renshaw, appeared on behalf of the applicant for Item 15 [SUP-5723] and Item 16 [SDR-5731] during the briefing portion of the meeting. He indicated that after speaking with staff, he would like both items pulled from the One Motion One Vote portion of the agenda to discuss the removal of Conditions 6 and 7 from Item 15 [SUP-5723] and to get a clarification of conditions on Item 16 [SDR-5731].

MR. LEOBOLD indicated that there was a condition change relative to Item 23 [SDR-5679]. MARGO WHEELER, Director, Planning & Development, requested that MR. LEOBOLD read the amended condition into the record. The new condition language was incorporated into the motion.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 11 [TMP-5677], Item 12 [SUP-5718], Item 13 [SUP-5720], Item 14 [SUP-5722], Item 17 [SDR-5611], Item 20 [SDR-5709] and Item 23 [SDR-5679].

(6:12 – 6:17)

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 13 – SUP-5720

**CONDITIONS:**

Planning and Development

1. Conformance to all Minimum Requirements under Section 2.3 of the Montecito Town Center Development Agreement for a Drive-Through Facility use.
2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-3764) and [SDR-5731].
3. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
4. All City Code requirements and design standards of all City departments must be satisfied.
5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.



**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR:** M. MARGO WHEELER ☐ **CONSENT** ☒ **DISCUSSION**

**SUBJECT:**

**SUP-5722 - SPECIAL USE PERMIT RELATED TO SUP-5718 AND SUP-5720 - PUBLIC HEARING - APPLICANT: MONTECITO COMPANIES - OWNER: MONTECITO PADS, LLC** - Request for a Special Use Permit FOR A PROPOSED GAMING USE IN CONJUNCTION WITH A TAVERN on Pad GG of the Montecito Marketplace Development adjacent to the northwest corner of Durango Drive and Dorrell Lane (APN 125-20-101-017), T-C (Town Center) Zone [UC-TC (Urban Center – Town Center) Special Land Use Designation], Ward 6 (Mack).

**C.C. 2/16/05**

**PROTESTS RECEIVED BEFORE:**

<b>Planning Commission Mtg.</b>	<b>0</b>
<b>City Council Meeting</b>	

**APPROVALS RECEIVED BEFORE:**

<b>Planning Commission Mtg.</b>	<b>0</b>
<b>City Council Meeting</b>	

**RECOMMENDATION:**

Staff recommends APPROVAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**NIGRO – APPROVED** subject to conditions on Item 11 [TMP-5677], Item 12 [SUP-5718], Item 13 [SUP-5720], Item 14 [SUP-5722], Item 17 [SDR-5611], Item 20 [SDR-5709] and on Item 23 [SDR-5679], **APPROVED** subject to conditions and replacing Condition 3 with the following verbiage:

**3. A waiver from foundation landscaping shall be approved.**

– **UNANIMOUS** with McSWAIN abstaining from Item 12 [SUP-5718], Item 13 [SUP-5720] and Item 14 [SUP-5722] because her company, Terra Contracting, is presently bidding work for a company that is working on the project

To be heard by City Council 2/16/2005

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 14 – SUP-5722

**MOTION – Continued:**

NOTE: CHAIRMAN TRUESDELL disclosed that in the past, he had abstained from items involving Montecito Pads, L.L.C., because of properties his company has represented in the area. However, as there is no financial interest in the properties that are adjacent to the sites and he has not discussed the items with anyone, he would be voting on Item 12 [SUP-5718], Item 13 [SUP-5720] and Item 14 [SUP-5722].

**MINUTES:**

CHAIRMAN TRUESDELL explained that these items will be considered in One Motion/One Vote and are routine public hearing items that have no protests, waivers from the Code or condition changes by the applicant or staff. All public hearings will be opened at one time. Any person representing the applicant or a member of the Planning Commission, not in agreement with all standard conditions for the applications recommended by staff, may request to have an item removed from this part of the Agenda.

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 11 [TMP-5677], Item 12 [SUP-5718], Item 13 [SUP-5720], Item 14 [SUP-5722], Item 17 [SDR-5611], Item 20 [SDR-5709] and Item 23 [SDR-5679].

GARY LEOBOLD, Planning and Development, stated that staff requested Item 18 [SDR-5678], Item 21 [SDR-5725] and Item 22 [SDR-5546] be pulled from One Motion One Vote because staff received letters of protest on all three items.

CHRIS KAEMPFER, Attorney, Kummer Kaempfer Bonner & Renshaw, appeared on behalf of the applicant for Item 15 [SUP-5723] and Item 16 [SDR-5731] during the briefing portion of the meeting. He indicated that after speaking with staff, he would like both items pulled from the One Motion One Vote portion of the agenda to discuss the removal of Conditions 6 and 7 from Item 15 [SUP-5723] and to get a clarification of conditions on Item 16 [SDR-5731].

MR. LEOBOLD indicated that there was a condition change relative to Item 23 [SDR-5679]. MARGO WHEELER, Director, Planning & Development, requested that MR. LEOBOLD read the amended condition into the record. The new condition language was incorporated into the motion.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 11 [TMP-5677], Item 12 [SUP-5718], Item 13 [SUP-5720], Item 14 [SUP-5722], Item 17 [SDR-5611], Item 20 [SDR-5709] and Item 23 [SDR-5679].

(6:12 – 6:17)

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 14 – SUP-5722

**CONDITIONS:**

Planning and Development

1. Conformance to all Minimum Requirements under Section 2.3 of the Montecito Town Center Development Agreement for a Gaming Use In Conjunction with a Tavern.
2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-3764) and [SDR-5731].
3. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
4. All City Code requirements and design standards of all City departments must be satisfied.
5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: M. MARGO WHEELER**

☐

**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**SUP-5723 - SPECIAL USE PERMIT RELATED TO SUP-5718, SUP-5720, AND SUP-5722 - PUBLIC HEARING - APPLICANT: MONTECITO COMPANIES - OWNER: MONTECITO PADS, LLC - Request for a Special Use Permit FOR A PROPOSED LIQUOR ESTABLISHMENT (TAVERN) on Pad GG of the Montecito Marketplace Development adjacent to the northwest corner of Durango Drive and Dorrell Lane (APN 125-20-101-017), T-C (Town Center) Zone [UC-TC (Urban Center – Town Center) Special Land Use Designation], Ward 6 (Mack).**

**C.C. 2/16/05**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

<b>0</b>

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

<b>0</b>

**RECOMMENDATION:**

Staff recommends APPROVAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**NIGRO – APPROVED subject to conditions and deleting Condition 6 and 7 – UNANIMOUS with McSWAIN abstaining because her company, Terra Contracting, is negotiating work with a contractor working on this project**

**To be heard by City Council 2/16/2005**

NOTE: CHAIRMAN TRUESDELL disclosed that in the past, he had abstained from items involving Montecito Pads, L.L.C., because of properties his company has represented in the area. However, as there is no financial interest in the properties that are adjacent to the sites and he has not discussed the items with anyone, he would be voting on Item 15 [SUP-5723] and Item 16 [SDR-5731].

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 15 – SUP-5723

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 15 [SUP-5723] and Item 16 [SDR-5731].

GARY LEOBOLD, Planning & Development Department, explained that the overall Site Plan for the Montecito Market Place had been before the Commission previously. This application is a substantial reduction compared to what was previously approved, which was 584,000 square feet. The current proposal measures 380,000 square feet. Redesign and the removal and reorientation of pads resulted in the necessity of the applications for these two items.

Regarding the Special Use Permit, the request for the tavern, MR. LEOBOLD described Conditions 6 and 7 as standard conditions used in more urban settings where sales are limited to beer and wine only and the sale of screw-cap type alcoholic beverages are prohibited. He indicated that staff would not object to the removal of these conditions because the tavern that was already approved for the site, which is being moved to this location, did not have those two conditions imposed.

MR. LEOBOLD explained that on Item 16 [SDR-5731], Condition 15 references the Master Sign Plan being submitted for approval by the Planning Commission but in fact, because the site is in Town Center, that should be the Centennial Hills Architectural Review Committed (CHARC). He asked that the condition be amended to reflect as such. CHAIRMAN TRUESDELL asked if the CHARC recommendation followed through to the Planning Commission. MR. LEOBOLD replied that it does not.

CHRIS KAEMPFER, Attorney, Kummer Kaepmfer Bonner & Renshaw, 3800 Howard Hughes Parkway, appeared on behalf of the applicant and concurred with MR. LEOBOLD'S summary of the applications and all conditions. He thanked staff for working with the developer and requested the deletion of Conditions 6 and 7 of Item 15 [SUP-5723] and that Condition 15 on Item 16 [SDR-5731] be amended as MR. LEOBOLD described.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 15 [SUP-5723] and Item 16 [SDR-5731].

(6:17 – 6:22)

**1-462**

**CONDITIONS:**

Planning and Development

1. Conformance to all Minimum Requirements under Section 2.3 of the Montecito Town Center Development Agreement for a Liquor Sales use.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 15 – SUP-5723

**CONDITIONS – Continued:**

2. Approval of and conformance to the Conditions of Approval for Major Modification (MOD-3763), Rezoning (ZON-3840) and Site Development Plan Review (SDR-5731) and [SDR-3764].
3. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
4. All City Code requirements and design standards of all City departments must be satisfied.
5. Approval of this Special Use Permit does not constitute approval of a liquor license.
6. The sale of alcoholic beverages shall be limited to the sale of beer and wine only.
7. The sale of individual containers of any size of beer, wine coolers or screw cap wine is prohibited. All such products shall remain in their original configurations as shipped by the manufacturer. Further, no repackaging of containers into groups smaller than the original shipping container size shall be permitted.
8. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR:** M. MARGO WHEELER ☐ **CONSENT** ☒ **DISCUSSION**

**SUBJECT:**

**SDR-5731 - SITE DEVELOPMENT PLAN REVIEW RELATED TO SUP-5718, SUP-5720, SUP-5722, AND SUP-5723 - PUBLIC HEARING - APPLICANT: MONTECITO COMPANIES - OWNER: MONTECITO PADS, LLC AND MTC 118, INC. - Request for a Site Development Plan Review FOR A 380,000 SQUARE-FOOT COMMERCIAL DEVELOPMENT on 45.6 acres adjacent to the southeast corner of Durango Drive and Elkhorn Road and the northwest corner of Durango Drive and Dorrell Lane (APN 125-20-101-017, 125-20-510-004 and -005) T-C (Town Center) Zone [UC-TC (Urban Center – Town Center) Special Land Use Designation], Ward 6 (Mack).**

**C.C. 2/16/05**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

**0**

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

**0**

**RECOMMENDATION:**

Staff recommends APPROVAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**NIGRO – APPROVED subject to conditions and amended the following condition:**

15. A Master Sign Plan shall be submitted for approval of the *Centennial Hills Architectural Review Committee* or City Council prior to the issuance of a Certificate of Occupancy for any building on the site.  
 – UNANIMOUS with McSWAIN abstaining because her company, Terra Contracting, is negotiating work with a contractor working on this project

**To be heard by City Council 2/16/2005**

NOTE: CHAIRMAN TRUESDELL disclosed that in the past, he had abstained from items involving Montecito Pads, L.L.C., because of properties his company has represented in the area. However, as there is no financial interest in the properties that are adjacent to the sites and he has

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 16 – SDR-5731

**MOTION – Continued:**

not discussed the items with anyone, he would be voting on Item 15 [SUP-5723] and Item 16 [SDR-5731].

**MINUTES:**

See Item 15 [SUP-5723] for all related discussion on Item 15 [SUP-5723] and Item 16 [SDR-5731].

(6:12 – 6:17)

**1-291**

**CONDITIONS:**

Planning and Development

1. All development shall be in conformance with the approved Site Development Plan Review (SDR-3764), Rezoning (ZON-3840), and Modification (MOD-3763).
2. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
3. All development shall be in conformance with the revised site plan and building elevations date stamped 12/30/04, except as amended by conditions herein.
4. Prior to approval of any final map, developer is required to adopt a plan for the maintenance of infrastructure improvements. The plan is to include a listing of all infrastructure improvements, along with assignment of maintenance responsibility to common interest community, individual property owner, or City of Las Vegas, and the proposed level of maintenance for privately maintained components. The agreement must be approved by the City of Las Vegas, and must include a certification by the licensed professional engineer of record that all infrastructure components are addressed in the maintenance plan. The plan must include a statement that all properties within the community are subject to assessment for all associated costs should private maintenance obligations not be met, and the City of Las Vegas be required to provide for said maintenance. The adoption process must include recordation of the plan against all parcels prior to approval of the final map. In addition, should the development have a recreational trail, in accordance with NRS 278.4787, the following text should be added prior to the last sentence to the previous text: The plan shall note that the recreational trail to be transferred to the ownership of the City of Las Vegas shall be maintained at a basic level through utilization of public resources. That basic level to be defined as removal of debris and surface grading once every calendar year. Should additional maintenance activities be



PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 16 – SDR-5731

**CONDITIONS – Continued:**

requested by the common interest community, or members thereof, the associated costs shall be assessed to the common interest community and/or members thereof.

5. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
6. All City Code requirements and design standards of all City departments must be satisfied.
7. Prior to the submittal of a building permit, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
8. The landscape plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect minimum 24-inch box trees planted a maximum of 20 feet on-center and a minimum of four five-gallon shrubs for each tree within provided planters. Additionally, the landscape plan shall be revised to incorporate additional landscaping located in front of Pad J, V, and Shops U where the minimum pedestrian areas are not affected. The landscaped area shall match the area in front of Pad V. Finally, the plan must include plant species that appear on the Appendix B (Plant Palette) of the Montecito Town Center Development Agreement.
9. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. [Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.]
10. A landscaping plan must be submitted prior to or at the same time application is made for a building permit.
11. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
12. Any internal property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 16 – SDR-5731

**CONDITIONS – Continued:**

13. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets except single-family residential development. Air conditioning units shall not be mounted on rooftops residential development.
14. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize 'shoe-box' fixtures and downward-directed lights. Wallpack lighting shall utilize 'shoe-box' fixtures and downward-directed lights on the proposed building. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
15. A Master Sign Plan shall be submitted for approval of the Planning Commission or City Council prior to the issuance of a Certificate of Occupancy for any building on the site.
16. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.
17. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.

**Public Works**

18. Construct full width street improvements on Grand Montecito Parkway adjacent to this site concurrent with development of this site. Coordinate with the City Engineer regarding the Elkhorn Road overpass improvement project and how this site will be impacted, if at all. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete).
19. All issues of ownership and assessor parcel numbers shall be resolved with the Clark County Assessor Office prior to the issuance of any permits for this site.
20. Coordinate with the Collection Systems Planning Section of the Department of Public Works to determine downstream sewer construction requirements per the Montecito Development Agreement. Provide a plan to the Department of Public Works for approval prior to submittal of construction drawings for this site. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 16 – SDR-5731

**CONDITIONS – Continued:**

issuance of any permits as required by the Department of Public Works. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.

21. Coordinate with the City Engineer's office to determine the correct median opening locations on Grand Montecito Parkway and coordinate with the City Traffic Engineer for driveway placement at the openings.
22. Landscape and maintain all unimproved rights-of-way adjacent to this site.
23. Submit an Encroachment Agreement for all landscaping and private improvements located in the public rights-of-way adjacent to this site prior to occupancy of this site.
24. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.
25. Site development to comply with all applicable conditions of approval for Rezonings (Z-76-98) and (ZON-3840), Durango/Dorrell commercial subdivision, the Montecito Town Center North Tentative Map (TMP-1244) and the Montecito Town Center Development Agreement.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: M. MARGO WHEELER**

☐

**CONSENT**

☒

**DISCUSSION**

**SUBJECT:**

**SDR-5611 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT: CLARK COUNTY SCHOOL DISTRICT - OWNER: USA** - Request for a Site Development Plan Review FOR AN ELEMENTARY SCHOOL on 10.0 acres adjacent to the southwest corner of Campbell Road and Severence Lane (APN 125-17-401-002), T-C (Town Center) Zone [PF-TC (Public Facilities – Town Center) Special Land Use Designation], Ward 6 (Mack).

**C.C. 2/16/05**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

<b>0</b>

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

<b>0</b>

**RECOMMENDATION:**

Staff recommends APPROVAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**NIGRO – APPROVED** subject to conditions on Item 11 [TMP-5677], Item 12 [SUP-5718], Item 13 [SUP-5720], Item 14 [SUP-5722], Item 17 [SDR-5611], Item 20 [SDR-5709] and on Item 23 [SDR-5679], **APPROVED** subject to conditions and replacing Condition 3 with the following verbiage:

**3. A waiver from foundation landscaping shall be approved.**

– **UNANIMOUS** with McSWAIN abstaining from Item 12 [SUP-5718], Item 13 [SUP-5720] and Item 14 [SUP-5722] because her company, Terra Contracting, is presently bidding work for a company that is working on the project

**To be heard by City Council 2/16/2005**

NOTE: CHAIRMAN TRUESDELL disclosed that in the past, he had abstained from items involving Montecito Pads, L.L.C., because of properties his company has represented in the area. However, as there is no financial interest in the properties that are adjacent to the sites and he has

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 17 – SDR-5611

**MOTION – Continued:**

not discussed the items with anyone, he would be voting on Item 12 [SUP-5718], Item 13 [SUP-5720] and Item 14 [SUP-5722].

**MINUTES:**

CHAIRMAN TRUESDELL explained that these items will be considered in One Motion/One Vote and are routine public hearing items that have no protests, waivers from the Code or condition changes by the applicant or staff. All public hearings will be opened at one time. Any person representing the applicant or a member of the Planning Commission, not in agreement with all standard conditions for the applications recommended by staff, may request to have an item removed from this part of the Agenda.

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 11 [TMP-5677], Item 12 [SUP-5718], Item 13 [SUP-5720], Item 14 [SUP-5722], Item 17 [SDR-5611], Item 20 [SDR-5709] and Item 23 [SDR-5679].

GARY LEOBOLD, Planning and Development, stated that staff requested Item 18 [SDR-5678], Item 21 [SDR-5725] and Item 22 [SDR-5546] be pulled from One Motion One Vote because staff received letters of protest on all three items.

CHRIS KAEMPFER, Attorney, Kummer Kaempfer Bonner & Renshaw, appeared on behalf of the applicant for Item 15 [SUP-5723] and Item 16 [SDR-5731] during the briefing portion of the meeting. He indicated that after speaking with staff, he would like both items pulled from the One Motion One Vote portion of the agenda to discuss the removal of Conditions 6 and 7 from Item 15 [SUP-5723] and to get a clarification of conditions on Item 16 [SDR-5731].

MR. LEOBOLD indicated that there was a condition change relative to Item 23 [SDR-5679]. MARGO WHEELER, Director, Planning & Development, requested that MR. LEOBOLD read the amended condition into the record. The new condition language was incorporated into the motion.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 11 [TMP-5677], Item 12 [SUP-5718], Item 13 [SUP-5720], Item 14 [SUP-5722], Item 17 [SDR-5611], Item 20 [SDR-5709] and Item 23 [SDR-5679].

(6:12 – 6:17)

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 17 – SDR-5611

**CONDITIONS:**

Planning and Development

1. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted.
2. The site plan shall be revised to provide a minimum of 104 parking spaces, five of which shall be handicap accessible.
3. All development shall be in conformance with the site plan and building elevations expect as amended by other conditions.
4. All lighting standards shall be no taller than 30 feet and utilize “shoe-box” fixtures and downward directed lighting. Lighting of athletic and playfields shall be directed away from residentially zoned properties.
5. Landscaping and a permanent underground sprinkler system shall be installed and permanently maintained. Failure to property maintain required landscaping and the sprinkler system shall be cause for revocation of a business license.
6. All mechanical equipment, air conditioners and trash areas shall be fully screened from the abutting streets.
7. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

8. Dedicate 40 feet of right-of-way adjacent to this site for Severance Lane, 30 feet for Dapple Gray Avenue, 40 feet for Solar Avenue, a 20-foot radius on the southeast corner of Severance Lane and Dapple Gray Avenue, a 20-foot radius on the southwest corner of Severance Lane and Campbell Road, a 15-foot radius on the northwest corner of Campbell Road and Solar Avenue and a 15-foot radius on the northeast corner of Solar Avenue and Dapple Gray Avenue prior to the issuance of any permits.
9. Construct half-street improvements including appropriate overpaving (if legally able) on Severance Lane, Campbell Road, Solar Avenue and Dapple Gray Avenue adjacent to this site concurrent with development of this site. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site. Extend all required underground utilities, such as electrical,

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 17 – SDR-5611

**CONDITIONS – Continued:**

telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete).

10. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or submittal of any construction drawings. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.
11. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, whichever may occur first, if allowed by the City Engineer.
12. Obtain an Encroachment Agreement for all landscaping and private improvements in the public rights-of-way adjacent to this site.
13. Landscape and maintain all unimproved right-of-way adjacent to this site concurrent with development of this site.



**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR:** M. MARGO WHEELER ☐ **CONSENT** ☒ **DISCUSSION**

**SUBJECT:**

**SDR-5678 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT/OWNER: ESCAPE PROPERTIES, LLC - Request for a Site Development Plan Review FOR A 1,600 SQUARE-FOOT OFFICE BUILDING AND WAIVERS OF FOUNDATION AND PERIMETER LANDSCAPE REQUIREMENTS on 0.15 acres at 520 South Jones Boulevard (APN 138-36-310-006), R-1 (Single-Family Residential) Zone under Resolution of Intent to P-R (Professional Office and Parking) Zone, Ward 1 (Moncrief).**

**C.C. 2/16/05**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**RECOMMENDATION:**

Staff recommends APPROVAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**NIGRO – APPROVED subject to conditions – UNANIMOUS**

**To be heard by City Council on 2/16/2005.**

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open.

GARY LEOBOLD, Planning and Development Department, explained that this request is for the conversion of a residential property to a professional office. The development does meet the Code standards regarding lot size, building setbacks and height; however, because of the small size of the site relative to the requirements of commercial buffering, the applicant has requested a waiver to allow a reduction. The other deficiency of the application pertains to the site lacking one handicap parking space that meets Code. That requirement would be met as a result of a condition of approval that staff has imposed to address the problem.



PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 18 – SDR-5678

**MINUTES – Continued:**

SUSIE ESCANAZIE and CHRISTOPHER HARPER appeared on behalf of the applicant and concurred with all conditions and recommendations.

MARGO WHEELER, Director, Planning and Development Department, noted that the conditions of approval had a number 9 listed with no actual condition shown. She clarified with MR. LEOBOLD that there was not a Condition 9 and the conditions needed to be renumbered when the action letter was mailed.

COMMISSIONER DAVENPORT asked why Condition 15 referenced the Nevada Department of Transportation (NDOT). He questioned if Jones Boulevard was a state highway. DAVID GUERRA, Department of Public Works confirmed that the street is controlled by NDOT.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(6:22 – 6:26)

**1-617**

**CONDITIONS:**

Planning and Development

1. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
2. The site plan shall be revised to provide a minimum of one handicap van accessible space.
3. All development shall be in conformance with the site plan and building elevations, date stamped November 30, 2004, except as amended by conditions herein.
4. All development shall comply with the conditions of approval of the Rezoning Z-0018-91 previously approved for the site.
5. The landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.
6. All existing and any new mechanical equipment and air conditioners and shall be fully screened in views from the abutting streets and properties. Any trash enclosure shall have walls and a roof in accordance with the requirements of Title 19.08.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 18 – SDR-5678

**CONDITIONS – Continued:**

7. Parking lot lighting standards, if provided, shall be no more than 20 feet in height and shall utilize 'shoe-box' fixtures and downward-directed lights. Wallpack lighting shall utilize 'shoe-box' fixtures and downward-directed lights on the proposed building. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
8. Screen walls shall be provided in accordance with the requirements of Title 19.12. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.
9. Prior to the issuance of building permits, a revised landscape plan must be submitted to and approved by the Department of Planning and Development showing a maximum of 12.5% of the total landscaped area as turf.

Public Works

10. Remove all substandard public street improvements, if any, adjacent to this site and replace with new improvements meeting current City Standards concurrent with on-site development activities.
11. In accordance with Rezoning Classification Z-18-91, contribute \$1,785.71 for area traffic mitigation prior to the issuance of any permits.
12. If on-street parking is not already prohibited adjacent to this site, submit a written request to the City Traffic Engineer to eliminate parking on Jones Boulevard adjacent to this site prior to the issuance of any permits.
13. Hard Surface (if allowed by Planning and Development) and/or landscape all unimproved right-of-way, if any unimproved area exists, on Jones Boulevard adjacent to this site prior to the issuance of a business license. Maintain all such improvements in perpetuity. All landscaping installed with this project shall be situated and maintained so as not to create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
14. Obtain an Occupancy Permit from the Nevada Department of Transportation for all landscaping and private improvements in the Jones Boulevard public right-of-way adjacent to this site.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 18 – SDR-5678

**CONDITIONS – Continued:**

15. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing final grade elevations and drainage patterns for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways as recommended.
16. Site development to comply with all applicable conditions of approval for Z-18-91 and the Conditions of Approval of the approved Traffic Impact Analysis for Jones Boulevard, Upland Boulevard to Evergreen Avenue.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR:** M. MARGO WHEELER ☐ **CONSENT** ☒ **DISCUSSION**

**SUBJECT:**

**SDR-5700 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT: KB HOME NEVADA INC - OWNER: LAND INVESTMENTS, LLC -** Request for a Site Development Plan Review FOR A 28-UNIT SINGLE-FAMILY DEVELOPMENT on 5.0 acres adjacent to the northwest corner of Cheyenne Avenue and Hualapai Way (APN 137-12-801-006), U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation], Under Resolution of Intent to PD (Planned Development) [ML (Medium-Low Residential) Lone Mountain Master Plan Land Use Designation, Ward 4 (Brown)].

**ABEYANCE TO THE 02/10/05 PLANNING COMMISSION MEETING**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**   
**City Council Meeting**

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**   
**City Council Meeting**

**RECOMMENDATION:**

Staff recommends ABEYANCE

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**NIGRO** motioned to bring forward and **HOLD IN ABEYANCE** Item 19 [SDR-5700], Item 35 [ZON-5653], Item 36 [SUP-5853], Item 37 [SDR-5657], Item 53 [VAR-5693], Item 54 [VAR-5694], Item 55 [SUP-5691], Item 56 [SDR-5689], Item 59 [VAR-5701] and Item 82 [SDR-5711] to the 2/10/2005 Planning Commission Meeting and **WITHDRAW WITHOUT PREJUDICE** Item 31 [VAR-5216] and Item 42 [GPA-5661] – **UNANIMOUS**

NOTE: COMMISSIONER McSWAIN stated that she would vote on the abeyance request for Item 19 [SDR-5700]; however, when the item is brought back before the Commission, she would abstain because her company, Terra Contracting, is presently under contract with KB Home.

**MINUTES:**

GARY LEOBOLD, Planning and Development, stated that letters are on file for each of the requests.

(6:05 – 6:08)

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR:** M. MARGO WHEELER ☐ **CONSENT** ☒ **DISCUSSION**

**SUBJECT:**

**SDR-5709 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS** - Request for a Site Development Plan Review FOR A PUBLIC PARK on 4.0 acres adjacent to the northeast corner of Elkor Road and Fort Apache Road (APN 125-17-401-008 and a portion of 125-17-401-007), T-C (Town Center) Zone [PF-TC (Public Facilities – Town Center) Special Land Use Designation], Ward 6, (Mack).

**C.C. 2/16/05**

**PROTESTS RECEIVED BEFORE:**

Planning Commission Mtg.	0
City Council Meeting	

**APPROVALS RECEIVED BEFORE:**

Planning Commission Mtg.	0
City Council Meeting	

**RECOMMENDATION:**

Staff recommends APPROVAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**NIGRO – APPROVED** subject to conditions on Item 11 [TMP-5677], Item 12 [SUP-5718], Item 13 [SUP-5720], Item 14 [SUP-5722], Item 17 [SDR-5611], Item 20 [SDR-5709] and on Item 23 [SDR-5679], **APPROVED** subject to conditions and replacing Condition 3 with the following verbiage:

**3. A waiver from foundation landscaping shall be approved.**

– **UNANIMOUS** with McSWAIN abstaining from Item 12 [SUP-5718], Item 13 [SUP-5720] and Item 14 [SUP-5722] because her company, Terra Contracting, is presently bidding work for a company that is working on the project

**To be heard by City Council 2/16/2005**

NOTE: CHAIRMAN TRUESDELL disclosed that in the past, he had abstained from items involving Montecito Pads, L.L.C., because of properties his company has represented in the area. However, as there is no financial interest in the properties that are adjacent to the sites and he has

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 20 – SDR-5709

**MOTION – Continued:**

not discussed the items with anyone, he would be voting on Item 12 [SUP-5718], Item 13 [SUP-5720] and Item 14 [SUP-5722].

**MINUTES:**

CHAIRMAN TRUESDELL explained that these items will be considered in One Motion/One Vote and are routine public hearing items that have no protests, waivers from the Code or condition changes by the applicant or staff. All public hearings will be opened at one time. Any person representing the applicant or a member of the Planning Commission, not in agreement with all standard conditions for the applications recommended by staff, may request to have an item removed from this part of the Agenda.

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 11 [TMP-5677], Item 12 [SUP-5718], Item 13 [SUP-5720], Item 14 [SUP-5722], Item 17 [SDR-5611], Item 20 [SDR-5709] and Item 23 [SDR-5679].

GARY LEOBOLD, Planning and Development, stated that staff requested Item 18 [SDR-5678], Item 21 [SDR-5725] and Item 22 [SDR-5546] be pulled from One Motion One Vote because staff received letters of protest on all three items.

CHRIS KAEMPFER, Attorney, Kummer Kaempfer Bonner & Renshaw, appeared on behalf of the applicant for Item 15 [SUP-5723] and Item 16 [SDR-5731] during the briefing portion of the meeting. He indicated that after speaking with staff, he would like both items pulled from the One Motion One Vote portion of the agenda to discuss the removal of Conditions 6 and 7 from Item 15 [SUP-5723] and to get a clarification of conditions on Item 16 [SDR-5731].

MR. LEOBOLD indicated that there was a condition change relative to Item 23 [SDR-5679]. MARGO WHEELER, Director, Planning & Development, requested that MR. LEOBOLD read the amended condition into the record. The new condition language was incorporated into the motion.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 11 [TMP-5677], Item 12 [SUP-5718], Item 13 [SUP-5720], Item 14 [SUP-5722], Item 17 [SDR-5611], Item 20 [SDR-5709] and Item 23 [SDR-5679].

(6:12 – 6:17)

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 20 – SDR-5709

**CONDITIONS:**

Planning and Development

1. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
2. All development shall be in conformance with the site plan, landscape plan and building elevations and the Town Center Development Standards Manual, except as amended by conditions herein.
3. A landscape plan must be submitted prior to or at the same time application is made for a building permit.
4. Handicapped parking spaces shall be provided in accordance with code requirements.
5. Perimeter walls shall conform to the Town Center Master Plan standards.
6. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner.
7. Parking lot lighting standards shall be no more than 20 feet in height and shall utilize 'shoe-box' fixtures and downward-directed lights. Wallpack lighting shall utilize 'shoe-box' fixtures and downward-directed lights on any buildings. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
8. All development shall be in conformance with the site plan and building elevations, except as amended by conditions herein.
9. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

10. Construct half-street improvements including appropriate over paving (if legally able) on Elkhorn Road and Fort Apache Road adjacent to this site concurrent with development of this site. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete).

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 20 – SDR-5709

**CONDITIONS – Continued:**

11. A Traffic Impact Analysis or other acceptable information must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or submittal of any construction drawings.
12. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainage ways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.



**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: M. MARGO WHEELER**

☐

**CONSENT**

☒

**DISCUSSION**

**SUBJECT:**

**SDR-5725 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT/OWNER: NV MORTGAGE, INC - Request for a Site Development Plan Review FOR A 1,660 SQUARE-FOOT OFFICE BUILDING on 0.14 acres at 716 South Jones Boulevard (APN: 138-36-316-009), R-1 (Single Family Residential) under Resolution of Intent to P-R (Professional Office and Parking), Ward 1 (Moncrief).**

**C.C. 2/16/05**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

<b>0</b>

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

<b>0</b>

**RECOMMENDATION:**

Staff recommends APPROVAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**NIGRO – APPROVED subject to conditions – UNANIMOUS**

**This is Final Action**

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open.

GARY LEOBOLD, Planning and Development Department, explained that the present site configuration of the building does not allow for the required setbacks.

WILLIAM SMILEY, 6418 Wild Strawberry Lane, appeared on behalf of his son-in-law, the owner of the property. He agreed to all conditions on the application.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(6:26 – 6:28)

**1-733**

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 21 – SDR-5725

**CONDITIONS:**

Planning and Development

1. The existing structure, in order to improve the aesthetics and maintain a residential character, shall be repaired prior to the approval of a Certificate of Occupancy of the proposed office.
2. A revised landscape plan shall be submitted to the Planning and Development Department prior to issue of building permits showing an addition of 10 feet to the landscape planter to a total of 15 feet in width along Jones Boulevard with 24-inch box trees a minimum of 20 feet on center, a five foot wide landscape finger with one 24 inch box tree between the parking spaces along the east side, and 24-inch box trees in the planters along the north and south planters. Each 24-inch tree shall have four one-gallon and four five-gallon planted shrubs.
3. Relocate the trash enclosure a minimum of 50 feet from the east residential property line as required by the Planning and Development Department.
4. No outdoor public address system shall be allowed.
5. A loading zone shall be shown on the existing driveway.
6. All development shall be in conformance with the site plan and building elevations, date stamped 11/30/04, except as amended by conditions herein.
7. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
8. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
9. Prior to approval of any final map, developer is required to adopt a plan for the maintenance of infrastructure improvements. The plan is to include a listing of all infrastructure improvements, along with assignment of maintenance responsibility to common interest community, individual property owner, or City of Las Vegas, and the proposed level of maintenance for privately maintained components. The agreement must be approved by the City of Las Vegas, and must include a certification by the licensed professional engineer of record that all infrastructure components are addressed in the maintenance plan. The plan must include a statement that all properties within the community are subject to assessment for all associated costs should private maintenance obligations not be met, and the City of Las Vegas be required to provide for said

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 21 – SDR-5725

**CONDITIONS - Continued:**

maintenance. The adoption process must include recordation of the plan against all parcels prior to approval of the final map. In addition, should the development have a recreational trail, in accordance with NRS 278.4787, the following text should be added prior to the last sentence to the previous text: The plan shall note that the recreational trail to be transferred to the ownership of the City of Las Vegas shall be maintained at a basic level through utilization of public resources. That basic level to be defined as removal of debris and surface grading once every calendar year. Should additional maintenance activities be requested by the common interest community, or members thereof, the associated costs shall be assessed to the common interest community and/or members thereof.

10. Prior to the issuance of building permits, a revised landscape plan must be submitted to and approved by the Department of Planning and Development showing a maximum of 15% of the total landscaped area as turf.
11. Construct a nominal six-foot high block wall along the property lines where such does not currently exist as required by the Planning and Development Department. Fence heights shall be measured from the side of the fence with the least vertical exposure above the finished grade.
12. Parking lot lighting standards shall be no more than 20 feet in height and shall utilize shoebox fixtures and downward directed lights. Wall pack lighting shall utilize shoebox fixtures and downward directed lights on the proposed building. Non-residential property lighting shall be directed away from residential property or screened and shall not create fugitive lighting.
13. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.
14. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets (excluding single-family development).
15. All City Code requirements and design standards of all City departments must be satisfied.
16. All outdoor utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 21 – SDR-5725

**CONDITIONS - Continued:**

Public Works

17. Coordinate with the City Surveyor to determine whether a Reversionary Map or other Map is necessary; if such a Map is required, it should record prior to the issuance of any permits for this site.
18. Remove all substandard public street improvements and alley improvements, if any, adjacent to this site and replace with new improvements meeting current City Standards concurrent with on-site development activities.
19. If on-street parking is not already prohibited adjacent to this site, submit a written request to the Traffic and Parking Commission to eliminate parking on Jones Boulevard adjacent to this site prior to the issuance of building or offsite permits or the issuance of a business license, whichever may occur first. Comply with recommendations of the Traffic and Parking Commission.
20. In accordance with Rezoning Classification Z-18-91, contribute \$1,785.71 for area traffic mitigation prior to the issuance of any permits.
21. Hard Surface and/or landscape all unimproved right-of-way, if any unimproved area exists, on Jones Boulevard adjacent to this site prior to the issuance of a business license. Maintain all such improvements in perpetuity. All landscaping installed with this project shall be situated and maintained so as not to create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
22. Obtain an Occupancy Permit for all landscaping and private improvements in the Jones Boulevard public right-of-way adjacent to this site.
23. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing final grade elevations and drainage patterns for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways as recommended.
24. Site development to comply with all applicable conditions of approval for Zoning Reclassification Z-18-91 and all other subsequent site-related actions.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: M. MARGO WHEELER**

☐

**CONSENT**

☒

**DISCUSSION**

**SUBJECT:**

**SDR-5546 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT/OWNER: VENTURA ENTERPRISES INVESTMENT AND DEVELOPMENT, INC. - Request for a Site Development Plan Review FOR TWO PROPOSED 10,000 SQUARE-FOOT SINGLE-STORY OFFICE BUILDINGS AND WAIVERS OF THE FOUNDATION LANDSCAPING AND TRASH ENCLOSURE REQUIREMENTS on 1.48 acres at 5061 and 5071 North Rainbow Boulevard (APN 125-34-712-011 and 012), C-2 (General Commercial) Zone, Ward 6 (Mack).**

**C.C. 2/16/05**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

<b>0</b>

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

<b>0</b>

**RECOMMENDATION:**

Staff recommends APPROVAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**NIGRO – APPROVED subject to conditions – UNANIMOUS**

**This is Final Action**

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open.

GARY LEOBOLD, Planning and Development Department, explained that this application is for two, 10,000 square-foot office buildings that are among the last development pieces within this project. Staff is requesting that modifications be made regarding the landscaping plan to address the number of trees and the berm that is required for the parking lot screening. With the requested changes, staff finds the request appropriate and that the development fits within the context of the existing development.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 22 – SDR-5546

**MINUTES – Continued:**

CHAIRMAN TRUESDELL requested the applicant or the applicant's representative come forward, there was none present. CHAIRMAN TRUESDELL then confirmed with MR. LEOBOLD that the applicant had spoken with staff and was aware of all conditions and concurred with them. MR. LEOBOLD stated there was a letter on file from the applicant agreeing to all conditions.

COMMISSIONER STEINMAN asked why the item was pulled from the One Motion One Vote portion of the agenda. MR. LEOBOLD explained that letters of objection were received after the agenda was published and with protests filed against it, an item cannot remain on One Motion One Vote. COMMISSIONER STEINMAN wanted to be sure that the application was required to have a trash enclosure and that landscaping was required. MR. LEOBOLD said he was correct.

MR. LEOBOLD added that the applicant was told they should have a representative present in case there were last minute objections; however, since the item was originally on the One Motion One Vote agenda, perhaps they felt it was not necessary.

CHAIRMAN TRUESDELL clarified that the One Motion One Vote portion of the agenda does require the applicants to have a letter of concurrence on file prior to the hearing date. Regardless of this fact, staff does encourage the applicant to have a representative in attendance in case there are problems at the meeting.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(6:28 – 6:31)

**1-806**

**CONDITIONS:**

Planning and Development

1. Prior to the issuance of building permits, a revised site plan must be submitted to and approved by the Department of Planning and Development showing a loading zone for the buildings.
2. The landscape plan shall be revised and approved by staff prior to the time application is made for a building permit, to reflect minimum 24-inch box trees 20 feet on center along Rainbow Boulevard and a minimum of four five-gallon and four one-gallon shrubs for each tree within the planters along the front the site. A three-foot tall landscaped parking lot screening berm shall be shown on the landscaping plan.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 22 – SDR-5546

**CONDITIONS – Continued:**

3. All development shall be in conformance with the site plan and building elevations, dated 10/29/04, except as amended by changes by these conditions.
4. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
5. Prior to approval of any final map, developer is required to adopt a plan for the maintenance of infrastructure improvements. The plan is to include a listing of all infrastructure improvements, along with assignment of maintenance responsibility to common interest community, individual property owner, or City of Las Vegas, and the proposed level of maintenance for privately maintained components. The agreement must be approved by the City of Las Vegas, and must include a certification by the licensed professional engineer of record that all infrastructure components are addressed in the maintenance plan. The plan must include a statement that all properties within the community are subject to assessment for all associated costs should private maintenance obligations not be met, and the City of Las Vegas be required to provide for said maintenance. The adoption process must include recordation of the plan against all parcels prior to approval of the final map. In addition, should the development have a recreational trail, in accordance with NRS 278.4787, the following text should be added prior to the last sentence to the previous text: The plan shall note that the recreational trail to be transferred to the ownership of the City of Las Vegas shall be maintained at a basic level through utilization of public resources. That basic level to be defined as removal of debris and surface grading once every calendar year. Should additional maintenance activities be requested by the common interest community, or members thereof, the associated costs shall be assessed to the common interest community and/or members thereof.
6. Prior to the issuance of building permits, a revised landscape plan must be submitted to and approved by the Department of Planning and Development showing a maximum of 15% of the total landscaped area as turf.
7. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an extension of time is granted.
8. Prior to the submittal of a building permit, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site.
9. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 22 – SDR-5546

**CONDITIONS – Continued:**

satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler system shall be cause for revocation of a business license.

10. All mechanical equipment, air conditioners and trash areas shall be fully screened from view of abutting streets.
  11. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize shoebox fixtures and downward directed lights. Wall pack lighting shall utilize shoebox fixtures and downward directed lights on the proposed building. Non-residential property lighting shall be directed away from residential property or screened and shall not create fugitive lighting.
  12. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050
  13. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. In particular, the north wall of the site must be developed so as to eliminate impacts to residential areas to the north. Wall heights shall be measured from the side of the fence with the least vertical exposure above finished grade.
  14. All City Code requirements and design standards must be satisfied.
- Public Works
15. Remove all substandard public street improvements, if any, adjacent to this site and replace with new improvements meeting current City Standards concurrent with on-site development activities.
  16. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any grading or building permits. Provide and improve all drainageways as recommended in the approved drainage plan/study.
  17. Site development to comply with all applicable conditions of approval for Z-4-92, Rancho Santa Fe Center (commercial subdivision) and all other applicable site-related actions.



**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR:** M. MARGO WHEELER ☐ **CONSENT** ☒ **DISCUSSION**

**SUBJECT:**

**SDR-5679 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT: RANCHO POINT LLC - OWNER: RANCHO POINT LLC AND HELEN SLAVIN - Request for a Site Development Plan Review FOR A 4,500 SQUARE-FOOT RETAIL DEVELOPMENT AND A WAIVER FROM FOUNDATION LANDSCAPING REQUIREMENTS on 2.55 acres located approximately 300 feet south of the intersection of Rancho Drive and Alexander Road (APN 138-12-110-011 and a portion of 138-12-102-001), C-2 (General Commercial) Zone, Ward 6 (Mack).**

**C.C. 2/16/05**

**PROTESTS RECEIVED BEFORE:**

<b>Planning Commission Mtg.</b>	<b>0</b>
<b>City Council Meeting</b>	

**APPROVALS RECEIVED BEFORE:**

<b>Planning Commission Mtg.</b>	<b>0</b>
<b>City Council Meeting</b>	

**RECOMMENDATION:**

Staff recommends APPROVAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**NIGRO – APPROVED subject to conditions on Item 11 [TMP-5677], Item 12 [SUP-5718], Item 13 [SUP-5720], Item 14 [SUP-5722], Item 17 [SDR-5611], Item 20 [SDR-5709] and on Item 23 [SDR-5679], APPROVED subject to conditions and replacing Condition 3 with the following verbiage:**

**3. *A waiver from foundation landscaping shall be approved.***

**– UNANIMOUS with McSWAIN abstaining from Item 12 [SUP-5718], Item 13 [SUP-5720] and Item 14 [SUP-5722] because her company, Terra Contracting, is presently bidding work for a company that is working on the project**

**This is Final Action**

NOTE: CHAIRMAN TRUESDELL disclosed that in the past, he had abstained from items involving Montecito Pads, L.L.C., because of properties his company has represented in the area. However, as there is no financial interest in the properties that are adjacent to the sites and he has

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 23 – SDR-5679

**MOTION – Continued:**

not discussed the items with anyone, he would be voting on Item 12 [SUP-5718], Item 13 [SUP-5720] and Item 14 [SUP-5722].

**MINUTES:**

CHAIRMAN TRUESDELL explained that these items will be considered in One Motion/One Vote and are routine public hearing items that have no protests, waivers from the Code or condition changes by the applicant or staff. All public hearings will be opened at one time. Any person representing the applicant or a member of the Planning Commission, not in agreement with all standard conditions for the applications recommended by staff, may request to have an item removed from this part of the Agenda.

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 11 [TMP-5677], Item 12 [SUP-5718], Item 13 [SUP-5720], Item 14 [SUP-5722], Item 17 [SDR-5611], Item 20 [SDR-5709] and Item 23 [SDR-5679].

GARY LEOBOLD, Planning and Development, stated that staff requested Item 18 [SDR-5678], Item 21 [SDR-5725] and Item 22 [SDR-5546] be pulled from One Motion One Vote because staff received letters of protest on all three items.

CHRIS KAEMPFER, Attorney, Kummer Kaempfer Bonner & Renshaw, appeared on behalf of the applicant for Item 15 [SUP-5723] and Item 16 [SDR-5731] during the briefing portion of the meeting. He indicated that after speaking with staff, he would like both items pulled from the One Motion One Vote portion of the agenda to discuss the removal of Conditions 6 and 7 from Item 15 [SUP-5723] and to get a clarification of conditions on Item 16 [SDR-5731].

MR. LEOBOLD indicated that there was a condition change relative to Item 23 [SDR-5679]. MARGO WHEELER, Director, Planning & Development, requested that MR. LEOBOLD read the amended condition into the record. The new condition language was incorporated into the motion.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 11 [TMP-5677], Item 12 [SUP-5718], Item 13 [SUP-5720], Item 14 [SUP-5722], Item 17 [SDR-5611], Item 20 [SDR-5709] and Item 23 [SDR-5679].

(6:12 – 6:17)

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 23 – SDR-5679

**CONDITIONS:**

Planning and Development

1. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
2. All development shall be in conformance with the site plan and building elevations, date stamped November 30, 2004, except as amended by conditions herein.
3. The applicant shall provide a six (6) foot foundation landscape buffer between the existing sidewalk and the perimeter of the building.
4. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
5. All City Code requirements and design standards of all City departments must be satisfied.
6. Prior to the submittal of a building permit, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
7. The landscape plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect minimum 24-inch box trees planted a maximum of 20 feet on-center and a minimum of four five-gallon shrubs for each tree within provided planters.
8. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. [Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.] [non-residential development]
9. A landscaping plan must be submitted prior to or at the same time application is made for a building permit.
10. Prior to the issuance of building permits, a revised landscape plan must be submitted to and approved by the Department of Planning and Development showing a maximum of 12.5% of the total landscaped area as turf.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 23 – SDR-5679

**CONDITIONS – Continued:**

11. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets except single-family residential development. Air conditioning units shall not be mounted on rooftops residential development.
12. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize 'shoe-box' fixtures and downward-directed lights. Wallpack lighting shall utilize 'shoe-box' fixtures and downward-directed lights on the proposed building. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
13. A Master Sign Plan shall be submitted for approval of the Planning Commission or City Council prior to the issuance of a Certificate of Occupancy for any building on the site.
14. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.
15. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.

**Public Works**

16. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any grading or building permits, submittal of any construction drawings or the recordation of a Final Map for this site, whichever may occur first. Provide and improve all drainageways as recommended in the approved drainage plan/study.
17. Site development to comply with all applicable conditions of approval for Site Development Plan Review (SDR-3452), the Rancho Point (Commercial Subdivision) and all other subsequent site-related actions.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR:** M. MARGO WHEELER ☐ **CONSENT** ☒ **DISCUSSION**

**SUBJECT:**

**ABEYANCE - VAR-5099 - VARIANCE - PUBLIC HEARING -**  
**APPLICANT/OWNER: BON BON, LLC** - Request for a Variance TO ALLOW AN R-PD (RESIDENTIAL PLANNED DEVELOPMENT) ZONING DISTRICT ON 4.40 ACRES WHERE 5.00 ACRES IS THE MINIMUM REQUIRED adjacent to the east side of Pecos Road approximately 290 feet south of Bonanza Road (APN 140-31-121-003), C-1 (Limited Commercial) Zone [PROPOSED: R-PD9 (Residential Planned Development - 9 Units per Acre], Ward 3 (Reese).

**C.C. 2/16/05**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**RECOMMENDATION:**

Staff recommends APPROVAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**McSWAIN – APPROVED subject to conditions – UNANIMOUS**

**To be heard by City Council 2/16/2005**

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 24 [VAR-5099], Item 25 [ZON-5092], Item 26 [VAR-5300], Item 27 [WVR-5299], Item 28 [SDR-5098], Item 29 [SUP-5096] and Item 30 [SDR-5093].

GARY LEOBOLD, Planning and Development Department, explained that this set of applications is fairly complex and had been before the Commission previously. He acknowledged that the applicant has been working very hard over the last several months.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 24 – VAR-5099

**MINUTES – Continued:**

MR. LEOBOLD stated the first five applications relate to the residential component of the project, which is 4.4 acres of the overall site, located at the southern end of the property. The last two applications pertain to the 1.6-acre portion at the north end of the site, which fronts onto Bonanza Road.

Regarding the residential piece. The applicant is asking to go to a (Residential Planned Development) R-PD zoning category. R-PD has a minimum site area requirement of five acres and because this portion of the site is 4.4 acres, the applicant is requesting Variance 5099. Staff had no difficulty in supporting that request because there are not many options to offer flexibility on this infill site. Without using R-1, there is not anything for the applicant to use that is smaller than that. R-PD would be an appropriate mechanism in this situation. Staff supported Item 24 [VAR-5099] for that reason.

Regarding Item 25 [ZON-5092], which is a request for R-PD9 density, staff felt the rezoning was appropriate because the land use is already at L (Low Density Residential) even though the zoning is at C-1 (Limited Commercial). This action would bring it in line with the current General Plan policies for the site.

Regarding Item 26 [VAR-5300], MR. LEOBOLD said the application is for an open space variance. The rezoning action to R-PD9 would impose an open space requirement for anything over 12 lots. The applicant is not providing open space in this project but staff felt that the argument made that there is not open space in many of the surrounding developments and that it is a tough infill site justified the request for the variance.

MR. LEOBOLD explained that regarding Item 27 [WVR-5299], the applicant's site plan shows two small streets, Street A and Street B. Street A runs in an east/west direction through the site and that street is acceptable as shown. Street B, however, is a stub and it is considered sub-standard and from a safety and liability standpoint, the Public Works Department as well as Planning staff cannot support the street as a public street. The applicant has been advised that they have the option to identify the street as a private street. If they do that, a homeowners association would have to be formed to handle the maintenance and liability of the street. The applicant is opposed to doing so. Because staff cannot support the Waiver and Item 28 [SDR-5098] is predicated on the need for that Waiver, staff recommends denial on the Site Plan. If Street B is redesigned to meet Code as a public street or be dedicated as a private street with the appropriate homeowners association attached to it, staff could support the design.

The last two applications pertained to the commercial aspect of the site. Item 29 [SUP-5096] a request for a Special Use Permit for a supper club on the northern piece and Item 30 [SDR-5093] is the Site Plan for the design of that use.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 24 – VAR-5099

**MINUTES – Continued:**

Both applications were acceptable to staff. MR. LEOBOLD pointed out that there is an east/west easement running through the southern portion of the commercial site, through the parking lot area, and that requires a vacation, which is scheduled for the 1/27/2005 Planning Commission meeting.

MR. LEOBOLD summarized by saying staff recommended approval on all the applications except the Waiver and the residential Site Plan.

BONNIE CISNEROS, a managing member of the applicant, appeared and informed the Commission that they are in agreement with all of staff's recommendations except those which pertained to Street B as referenced by MR. LEOBOLD. She said that the all aspects of the street are up to Code except how the street ends to the north of the site. MS. CISNEROS felt that the most important aspect of a street meeting Code was width and the street was the proper width.

COMMISSIONER McSWAIN appreciated staff's point of view on the two items that were recommended for denial but she questioned why staff was recommending approval on Item 26 [VAR-5300] regarding the open space requirement. The Commissioner felt that there should be limits on what is allowed relative to accommodations of an infill piece. Looking at the Site Plan, she felt that the justification that open space was out of character for the area was not acceptable. To her, the lot sizes shown on proposed plan looked to be out of character because they were two to one when compared to the adjacent property to the north. The other properties in the area might not have had open space but they were larger lots with more yard space. COMMISSIONER McSWAIN could not support Item 26 [VAR-5300]. She also felt that regarding the width of Street B, the width would not be the only issue. The street, as designed, would force people to back out of the street if they went down it in error. She did not find that situation appropriate and could not support it.

COMMISSIONER STIENMAN said that he could support Item 26 [VAR-5300] if the applicant would agree to make the proper turn around at the end of Street B. He confirmed with MS. CISNEROS that the hesitancy to do that was due to the loss of lots. She indicated that they would lose four lots if the proper turn around were installed. He asked her to compare those four lots to the number of lots the development would lose if the open space requirement were enforced. MS. CISNEROS was not aware of the number of lots the open space requirement would take. She said that their reservation in including open space in the design was fueled by reports from the adjacent property homeowners association complaining that the nearby apartment residents loiter in the association's common areas even though their apartment complex is separate and across the street. She said it has become a safety issue and the police department is called regularly to keep the apartment residents out of those common space areas.



PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 24 – VAR-5099

**MINUTES – Continued:**

COMMISSIONER STEINMAN replied that he was not as interested in the open space as he was with the proper turn around on the street.

COMMISSIONER EVANS questioned staff about the Commissions ability to grant a waiver allowing a public street when it does not meet standards. MR. LEOBOLD'S opinion was that if a driver was required to make a three-point turn or pull into a driveway to turn around and were to hit a car or person as a result of having to do so, the City could hold some liability if the street were a public street. If it were private, there would be no liability; it would be a private matter. He also pointed out that four lots would not be lost if the cul-de-sac bulb was offset to one side. He estimated that, at the most, the development might lose two lots. Doing so would also result in some open space being left around the bulb, which would help the open space Variance. DEPUTY CITY ATTORNEY BRYAN SCOTT agreed with MR. LEOBOLD'S assessment regarding City liability. If the City were to violate it's own Code by allowing a street that does not meet our Code requirement, and the Code is there in order to allow for safe turn arounds, there could be some liability. The City could be sued and challenged in court.

CHAIRMAN TRUESDELL confirmed with MR. LEOBOLD that if the street was private and an association was formed, it would be acceptable to the City. He then asked MS. CISNEROS about the developer's hesitation to form a homeowners association. She replied that they were trying not to have a homeowners association so the residents would not be burdened.

CHAIRMAN TRUESDELL explained that in granting the waivers, the Commission would be putting a burden on the City for potential issues that the developer did not want to take responsibility for. He thought the presentation was a reasonable development based on the infill character but based on other projects in the area, it would be helped by having an association that would be a helping hand to the development. He did not have a problem supporting the requests, including the waivers, if Street B remained private and there was an association formed. That way, the City would not have any liability regarding that sub-standard street. It would also be in keeping with other projects the Commission has approved in the past.

Prior to motioning on Item 26 [VAR-5300], COMMISSIONER McSWAIN asked the applicant if there was any interest in installing an off-center turn around because if they would install that, she could support the item. MS. CISNEROS said that she would not know without speaking to her partners. CHAIRMAN TRUESDELL offered that perhaps the item could be trailed or held in abeyance to allow the applicant time to discuss the item with her partners. After conferring with an unidentified man at the podium, MS. CISNEROS replied that they would prefer to move the item forward to City Council and would continue to try and get the street accepted by the City as public.



PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 24 – VAR-5099

**MINUTES – Continued:**

CHAIRMAN TRUESDELL felt that if the open space Variance was going to be denied, it would be prudent to hold some of the applications instead of passing all of the items forward without it. Not having the open space Variance would affect the Site Plan. MR. LEOBOLD stated that if the Site Plan was going to be held, the R-PD9 zoning application would be affected because it was predicated on the Site Plan approval. MS. CISNEROS stated that since there was a month before the items would be heard before City Council, the applicant would like the items to move forward and not be held up.

Prior to voting on Item 28 [SDR-5098], COMMISSIONER STEINMAN asked for clarification about approving the Site Development Review Plan if it did not have Street B shown as a private street. CHAIRMAN TRUESDELL clarified that the motion was for denial. VICE CHAIRMAN NIGRO asked if there was an “if approved” condition that the street be changed. MARGO WHEELER, Director, Planning and Development Department, indicated there was not. She informed the Commission that the items would go forward to City Council with the Commission’s comments. MR. LEOBOLD said that a condition such as suggested was not included under the Site Plan conditions because of the fact that there is a separate request waiving it. He added that the Commission was voting for denial but if the item were approved, the “if approved” conditions should reflect a new floor plan, which was submitted to the Planning Department on 1/12/2005. The new plan modified the originally submitted plan, which showed 20-foot front yard, 15 back, five on the sides and corners down to 18, 12, three and three.

CHAIRMAN TRUESDELL asked if the new plan required a waiver of the setbacks. MR. LEOBOLD said that they would not need a waiver because the application would be for R-PD. The applicant submitted the map to show that they want three-foot side yards, a 12-foot rear yard and an 18-foot front yard instead of what was shown on the initial submittal. CHAIRMAN TRUESDELL then reiterated that the Commission is trying to find the positive points surrounding this development but he was concerned that the applicant was reticent to work with the points that pertain to safety and compatibility. He acknowledged that the applicant has worked hard on the applications but felt that moving the items forward was the wrong way to approach the project. COMMISSIONER McSWAIN added that she was concerned over the longevity of the project and how it would mature. CHAIRMAN TRUESDELL said the area deserves good development. It was his personal opinion that staff’s conditions were not unreasonable and he stated he could not support the item.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 24 – VAR-5099

**MINUTES – Continued:**

Prior to the motion on Item 29 [SUP-5096], COMMISSIONER McSWAIN indicated she would be supportive of the item because it pertained only to the parcel with the supper club.

Subsequent to the votes on all the related items, MR. LEOBOLD asked if the approval of the rezoning to R-PD9 would stand after the Commission had denied the Site Plan Review. COMMISSIONER McSWAIN indicated she would be happy to rescind the motion and did so. The rescission passed unanimously on Item 25 [ZON-5092]. MS. CISNEROS asked for clarification on the rescission. She stated that staff had informed her that each item would be considered separately and the application involving Street B would be an individual item. She understood that if Item 27 [WVR-5299] was denied, the Site Plan would be denied as well but it would not affect the R-PD. MR. LEOBOLD stated that if the request had been for a standard rezoning such as R-1, there would not have to be an approved Site Plan. With R-PD9, because it allows for more design flexibility, there are no minimum standards so the approved Site Plan sets the standards for the project. That Site Plan then becomes a part of the rezoning package. Without it, there are no rules regarding items such as setbacks etc. MS. CISNEROS said that staff's report stated approval on all items except the item with Street B. CHAIRMAN TRUESDELL clarified that the report she referenced was a recommendation only, not stating approval of the items prior to the hearing.

COMMISSIONER STEINMAN confirmed with staff and CHAIRMAN TRUESDELL that per Code, a person could not apply for a rezoning to an R-PD without a Site Plan.

CHAIRMAN TRUESDELL informed MS. CISNEROS that she could meet with Planning Department Staff to get answers to any questions she might have before the items were heard by City Council.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 24 [VAR-5099], Item 25 [ZON-5092], Item 26 [VAR-5300], Item 27 [WVR-5299], Item 28 [SDR-5098], Item 29 [SUP-5096] and Item 30 [SDR-5093].

(6:31 – 6:59)

**1-912**

**CONDITIONS:**

Planning and Development

1. This Variance shall expire two years from the date of final approval unless it is exercised or an Extension of Time is granted by the City Council.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 24 – VAR-5099

**CONDITIONS – Continued:**

2. Approval of and conformance to the conditions of approval for related applications ZON-5092, VAR-5300, WVR-5299 and SDR-5098.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR:** M. MARGO WHEELER ☐ **CONSENT** ☒ **DISCUSSION**

**SUBJECT:**

**ABEYANCE - ZON-5092 - REZONING RELATED TO VAR-5099 - PUBLIC HEARING - APPLICANT/OWNER: BON BON, LLC - Request for a Rezoning FROM: C-1 (LIMITED COMMERCIAL) TO: R-PD9 (RESIDENTIAL PLANNED DEVELOPMENT - 9 UNITS PER ACRE) on 4.40 acres adjacent to the east side of Pecos Road approximately 290 feet south of Bonanza Road (APN 140-31-121-003), Ward 3 (Reese).**

**C.C. 2/16/05**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**RECOMMENDATION:**

Staff recommends APPROVAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**McSWAIN – DENIED – UNANIMOUS**

**To be heard by City Council 2/16/2005**

NOTE: Subsequent to her motion for approval, which carried unanimously, COMMISSIONER McSWAIN motioned to rescind the approval, which also carried unanimously, so that the item could be reconsidered.

**MINUTES:**

See Item 24 [VAR-5099] for all related discussion on Item 24 [VAR-5099], Item 25 [ZON-5092], Item 26 [VAR-5300], Item 27 [WVR-5299], Item 28 [SDR-5098], Item 29 [SUP-5096] and Item 30 [SDR-5093].

(6:31 – 6:59)

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: M. MARGO WHEELER**

☐

**CONSENT**

☒

**DISCUSSION**

**SUBJECT:**

**ABEYANCE - VAR-5300 - VARIANCE RELATED TO VAR-5099 AND ZON-5092 - PUBLIC HEARING - APPLICANT/OWNER: BON BON, LLC** - Request for a Variance TO ALLOW ZERO ACRES OF OPEN SPACE WHERE 0.68 ACRES IS THE MINIMUM REQUIRED in conjunction with a proposed 41-lot single-family residential development on 4.40 acres adjacent to the east side of Pecos Road approximately 290 feet south of Bonanza Road (APN a portion of 140-31-121-003), C-1 (Limited Commercial) Zone [PROPOSED: R-PD9 (Residential Planned Development - 9 Units per Acre], Ward 3 (Reese).

**C.C. 2/16/05**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**RECOMMENDATION:**

Staff recommends APPROVAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**McSWAIN – DENIED – Motion carried with NIGRO, EVANS and STEINMAN voting NO**

**To be heard by City Council 2/16/2005**

**MINUTES:**

See Item 24 [VAR-5099] for all related discussion on Item 24 [VAR-5099], Item 25 [ZON-5092], Item 26 [VAR-5300], Item 27 [WVR-5299], Item 28 [SDR-5098], Item 29 [SUP-5096] and Item 30 [SDR-5093].

(6:31 – 6:59)

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR:** M. MARGO WHEELER ☐ **CONSENT** ☒ **DISCUSSION**

**SUBJECT:**

**ABEYANCE - WVR-5299 - WAIVER RELATED TO VAR-5099, ZON-5092 AND VAR-5300 - PUBLIC HEARING - APPLICANT/OWNER: BON BON, LLC** - Request for a Waiver of Title 18.12.130 TO ALLOW A PUBLIC STREET TO TERMINATE WITHOUT A CIRCULAR CUL-DE-SAC OR EMERGENCY ACCESS GATE WHERE ONE IS REQUIRED FOR STREETS TERMINATING OTHER THAN AT AN INTERSECTION WITH ANOTHER PUBLIC STREET in conjunction with a proposed 41-lot single-family residential development on 4.40 acres adjacent to the east side of Pecos Road approximately 290 feet south of Bonanza Road (APN a portion of 140-31-121-003), C-1 (Limited Commercial) Zone [PROPOSED: R-PD9 (Residential Planned Development - 9 Units per Acre], Ward 3 (Reese).

**C.C. 2/16/05**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**RECOMMENDATION:**

Staff recommends DENIAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**McSWAIN – DENIED – UNANIMOUS**

**To be heard by City Council 2/16/2005**

**MINUTES:**

See Item 24 [VAR-5099] for all related discussion on Item 24 [VAR-5099], Item 25 [ZON-5092], Item 26 [VAR-5300], Item 27 [WVR-5299], Item 28 [SDR-5098], Item 29 [SUP-5096] and Item 30 [SDR-5093].

(6:31 – 6:59)

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: M. MARGO WHEELER**

☐

**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**ABEYANCE - SDR-5098 - SITE DEVELOPMENT PLAN REVIEW RELATED TO VAR-5099, ZON-5092, VAR-5300 AND WVR-5299 - PUBLIC HEARING - APPLICANT/OWNER: BON BON, LLC - Request for a Site Development Plan Review FOR A PROPOSED 41-LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT on 4.40 acres adjacent to the east side of Pecos Road approximately 290 feet south of Bonanza Road (APN 140-31-121-003), C-1 (Limited Commercial) Zone [PROPOSED: R-PD9 (Residential Planned Development - 9 Units per Acre], Ward 3 (Reese).**

**C.C. 2/16/05**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

<b>0</b>

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

<b>0</b>

**RECOMMENDATION:**

Staff recommends DENIAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**McSWAIN – DENIED – UNANIMOUS**

**To be heard by City Council 2/16/2005**

**MINUTES:**

See Item 24 [VAR-5099] for all related discussion on Item 24 [VAR-5099], Item 25 [ZON-5092], Item 26 [VAR-5300], Item 27 [WVR-5299], Item 28 [SDR-5098], Item 29 [SUP-5096] and Item 30 [SDR-5093].

(6:31 – 6:59)

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR:** M. MARGO WHEELER ☐ **CONSENT** ☒ **DISCUSSION**

**SUBJECT:**

**ABEYANCE - SUP-5096 - SPECIAL USE PERMIT RELATED TO VAR-5099, ZON-5092, VAR-5300, WVR-5299 AND SDR-5098 - PUBLIC HEARING - APPLICANT/OWNER: BON BON, LLC - Request for a Special Use Permit FOR A SUPPER CLUB adjacent to the south of Bonanza Road approximately 290 feet east of Pecos Road (APN 140-31-121-003), C-1 (Limited Commercial) Zone, Ward 3 (Reese).**

**C.C. 2/16/05**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**RECOMMENDATION:**

Staff recommends APPROVAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**McSWAIN – APPROVED – UNANIMOUS**

**To be heard by City Council 2/16/2005**

**MINUTES:**

See Item 24 [VAR-5099] for all related discussion on Item 24 [VAR-5099], Item 25 [ZON-5092], Item 26 [VAR-5300], Item 27 [WVR-5299], Item 28 [SDR-5098], Item 29 [SUP-5096] and Item 30 [SDR-5093].

(6:31 – 6:59)

**1-912**



PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 29 – SUP-5096

**CONDITIONS:**

Planning and Development

1. Conformance to all Title 19 requirements for a Supper Club.
2. Approval of and conformance to all conditions of approval for Site Development Plan Review SDR-5093.
3. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted.
4. Conformance to all applicable City Code standards.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: M. MARGO WHEELER**

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**CONSENT**

☒

**DISCUSSION**

**SUBJECT:**

**ABEYANCE - SDR-5093 - SITE DEVELOPMENT PLAN REVIEW RELATED TO VAR-5099, ZON-5092, VAR-5300, WVR-5299, SDR-5098 AND SUP-5096 - PUBLIC HEARING – APPLICANT/OWNER: BON BON, LLC - Request for a Site Development Plan Review FOR A SUPPERCLUB on 1.58 acres south of Bonanza Road approximately 290 feet east of Pecos Road (APN 140-31-121-003), C-1 (Limited Commercial) Zone, Ward 3 (Reese).**

**C.C. 2/16/05**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

**0**

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

**0**

**RECOMMENDATION:**

Staff recommends APPROVAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**McSWAIN – APPROVED – UNANIMOUS**

**To be heard by City Council 2/16/2005**

**MINUTES:**

See Item 24 [VAR-5099] for all related discussion on Item 24 [VAR-5099], Item 25 [ZON-5092], Item 26 [VAR-5300], Item 27 [WVR-5299], Item 28 [SDR-5098], Item 29 [SUP-5096] and Item 30 [SDR-5093].

(6:31 – 6:59)

**1-912**

**CONDITIONS:**

Planning and Development

1. Approval of conformance to all conditions of approval for Special Use Permit SUP-5096.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 30 – SDR-5093

**CONDITIONS – Continued:**

2. This site development plan shall expire two years from the date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
3. All development shall be in conformance to the site development plan date stamped 10/20/04 and the building elevations date stamped 08/24/04.
4. The applicant shall submit a revised landscaping plan depicting the correct number of trees in the landscaped planter area along Bonanza Road prior to the issuance of any permits for this site.
5. All mechanical equipment, air conditioners and trash enclosures shall be fully screened from the view of any abutting streets. The trash enclosure shall be enclosed in accordance with Title 19.08.045.
6. Parking lot lighting shall be not more than 30 feet in height and utilize “shoe-box” fixtures and downward-directed lighting. Wall pack lighting shall utilize “shoe-box” fixtures and downward-directed lighting on the proposed building.
7. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.

**Public Works**

8. Coordinate with the City Surveyor to determine whether a Parcel Map or Merger and Resubdivision Map to establish the property boundaries as proposed is necessary; if such map is required it shall record prior to the issuance of any permits for this site.
9. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.
10. The proposed driveway accessing Bonanza Road shall be designed, located and constructed in accordance with Standard Drawing #222A.
11. Construct sidewalk on at least one side of all access drives connecting this site to the adjacent public streets concurrent with development of this site; the connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the on-site roadway network; the connecting sidewalk shall be terminated on-site with a handicap ramp.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 30 – SDR-5093

**CONDITIONS – Continued:**

12. Provide a copy of a recorded Joint Access Agreement between this site and the adjoining parcel to the east prior to the issuance of any permits.
13. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.
14. Site development to comply with all applicable conditions of approval for Rezoning Z-80-77 and the Pecos/Bonanza Plaza Commercial subdivision and all other applicable site-related actions.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR:** M. MARGO WHEELER ☐ **CONSENT** ☒ **DISCUSSION**

**SUBJECT:**

**ABEYANCE - VAR-5216 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER:**  
**OSTEOPATHIC MEDICAL ASSOCIATES OF NEVADA** - Request for a Variance TO  
ALLOW A MONUMENT SIGN TO BE SET BACK SIX INCHES FROM THE FRONT  
PROPERTY LINE WHERE A FIVE-FOOT SETBACK IS REQUIRED on 0.69 acres adjacent  
to the northwest corner of Sahara Avenue and Mohawk Street (APN 163-01-810-004), P-R  
(Professional Office and Parking) Zone, Ward 1 (Moncrief).

**WITHDRAW WITHOUT PREJUDICE**

**PROTESTS RECEIVED BEFORE:**

Planning Commission Mtg.  
City Council Meeting

**0**

**APPROVALS RECEIVED BEFORE:**

Planning Commission Mtg.  
City Council Meeting

**0**

**RECOMMENDATION:**

Staff recommends WITHDRAW WITHOUT PREJUDICE

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**NIGRO** motioned to bring forward and **HOLD IN ABEYANCE** Item 19 [SDR-5700], Item 35 [ZON-5653], Item 36 [SUP-5853], Item 37 [SDR-5657], Item 53 [VAR-5693], Item 54 [VAR-5694], Item 55 [SUP-5691], Item 56 [SDR-5689], Item 59 [VAR-5701] and Item 82 [SDR-5711] to the 2/10/2005 Planning Commission Meeting and **WITHDRAW WITHOUT PREJUDICE** Item 31 [VAR-5216] and Item 42 [GPA-5661] – **UNANIMOUS**

**MINUTES:**

GARY LEOBOLD, Planning and Development, stated that letters are on file for each of the requests.

(6:05 – 6:08)

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: M. MARGO WHEELER**

☐

**CONSENT**

☒

**DISCUSSION**

**SUBJECT:**

**ABEYANCE - RENOTIFICATION - VAR-5548 - VARIANCE - PUBLIC HEARING - APPLICANT: OVATION DEVELOPMENT - OWNER: LONE MOUNTAIN APTS. I, LLC** - Request for a Variance TO ALLOW A ZERO FOOT REAR YARD SETBACK WHERE THREE FEET IS REQUIRED FOR ACCESSORY STRUCTURES (SIX COVERED PARKING GARAGES) AND A VARIANCE OF LANDSCAPE STANDARDS FOR A PROPOSED MULTI-FAMILY RESIDENTIAL DEVELOPMENT adjacent to the east side of Rainbow Boulevard, approximately 350 feet south of Lone Mountain Road (APN 138-02-101-001 and 013), R-E (Residence Estates) and C-2 (General Commercial) Zones under Resolution of Intent to R-3 (Medium Density Residential) Zone, Ward 6 (Mack).

**C.C. 2/16/05**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>1</b>

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**RECOMMENDATION:**

Staff recommends DENIAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**NIGRO – APPROVED subject to conditions – UNANIMOUS with McSWAIN abstaining because her company, Terra Contracting, is presently under contract with Ovation Development**

**This is Final Action**

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open.

GARY LEOBOLD, Planning and Development Department, explained that this item had been before the Commission previously; however, it was being heard again because instead of the four covered garages, the applicant wanted to have six. All other aspects remain the same. Staff is

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 32 – VAR-5548

**MINUTES – Continued:**

required by State law to recommend denial because the use of the site is not denied but the hardship is self imposed because the developer proposes building to the property line.

TABATHA KEACH, Attorney, Kummer Kaempfer Bonner & Renshaw, 3800 Howard Hughes Parkway, appeared on behalf of the applicant. She indicated on a map, where the proposed garages would be located. ATTORNEY KEACH confirmed MR. LEOBOLD'S comments about the item being heard previously. She explained that the original design included detached garages included into the site. Due to some minor modifications made to the site design, the developer was faced with the decision of eliminating the garages or relocating them to the site being discussed.

ATTORNEY KEACH said the request is justifiable based on the fact that the garages would be adjacent to all C-2 zoned properties. She pointed out that there is a convenience store behind the garages and the adjacent residences face Rancho Drive so there would be no negative impact on the adjacent residences in the area. ATTORNEY KEACH said the site would remain exactly as previously approved and as shown at the neighborhood meeting.

TODD DONNELLY, 6644 Painted Desert Drive, appeared and said the neighbors did meet with Ovation Development prior to the development receiving any approval from the City and many of the neighbors walked out of the meeting before it was over. Several people stayed, including MR. DONNELLY, to make some suggestions to the developer. In MR. DONNELLY'S opinion, the developer was not open to the suggestions and had little regard for the resident's suggestions. After that meeting, a group unhappy about the developer's attitude, petitioned against the project and received approximately 500 signatures. He submitted that petition when this item was initially heard, he offered to petition again if necessary.

MR. DONNELLY said that the zoning on the property was originally residential estates and that was changed to accommodate this project. He voiced concerns that the developer might come back in the near future and request additional modifications that would burden the neighbors even more. He felt the developer should have to build the project as it was approved and not be able to return to modify the plan repeatedly. MR. DONNELLY said that if the garages are built as proposed, there would be a loitering issue. He concluded by saying the project has been crammed down the throat of the neighborhood and they should have to stick to the original design.

ATTORNEY KEACH rebutted by saying the addition of the garages adds an amenity and makes the multi-family product more luxurious. The elevations are beautiful and the garages would match the project. She reiterated that the reduction in landscaping and zero setback would have

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 32 – VAR-5548

**MINUTES – Continued:**

no impact on adjacent residential. What was originally approved and what the neighbors saw previously would remain unchanged.

VICE CHAIRMAN NIGRO stated that he could appreciate MR. DONNELLY'S comment relative to the objection of having multi-family there but the application did make it through the process and get approved. He continued by saying this property is adjacent to C-2 and he could not see how the request could increase any impact the project as previously approved would have had. He would be in support of the request. The site is in need of development and the garages do not impact the adjacent property owners of the C-2 property.

CHAIRMAN TRUESDELL said that it was obvious the project was involved while working through the system. Regarding MR. DONNELLY'S comments, the Chairman could understand remarks pertaining to building what was originally proposed and approved; however, this would be a very subtle adjustment to the Site Plan and the change is proposed for a rear corner of the development. CHAIRMAN TRUESDELL could not find any negative repercussions of approval of the Variance but could find none. He also stated that from the outside of the project, the garages would not be visible except from the two, C-2 parcels. The neighbors would not see any change in landscaping or streetscape along Red Coach. He assured the residents that the Commission would not tolerate a developer to continually return to whittle away at an approved plan but he could support the application. CHAIRMAN TRUESDELL felt confident the developer would build the product well and make it the asset to the neighborhood they have represented it to be.

COMMISSIONER EVANS stated that he did have some concerns when the item was originally before the Commission but as the application only pertains to the six garages, he would support the item.

COMMISSIONER DAVENPORT clarified with ATTORNEY KEACH that the garages would be pushed up to the back wall so there would be no separation from the back wall.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(6:59 – 7:09)

**1-1990**

**CONDITIONS:**

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-3490).



PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 32 – VAR-5548

**CONDITIONS – Continued:**

2. The structures shall comply with all the provisions of the Building Code.
3. The garages shall be constructed according to the elevation drawings date stamped 11/01/04 and the site plans date stamped 12/08/04.
4. These Variances shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR:** M. MARGO WHEELER ☐ **CONSENT** ☒ **DISCUSSION**

**SUBJECT:**

**ABEYANCE - VAR-5557 - VARIANCE - PUBLIC HEARING - APPLICANT: ROGER ANDERSON - OWNER: SYUFY ENTERPRISES, A CALIFORNIA LIMITED PARTNERSHIP - Request for a Variance TO ALLOW 179 PARKING SPACES WHERE A MINIMUM OF 234 PARKING SPACES IS REQUIRED on 3.8 acres adjacent to the south side of Charleston Boulevard, approximately 500 feet east of Wilshire Street (APN 163-01-502-005, 006, 007, and 008), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief).**

**C.C. 2/16/05**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

**0**

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

**0**

**RECOMMENDATION:**

Staff recommends DENIAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**STEINMAN – DENIED – Motion carried with DAVENPORT and McSWAIN voting NO**

**To be heard by City Council 2/16/2005**

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 33 [VAR-5557] and Item 34 [SDR-5556].

GARY LEOBOLD, Planning and Development Department, explained the applications were previously held in abeyance from the 12/16/2004 meeting because the application showed three buildings that were proposed but did not reflect an existing tavern on the site that would be remaining at that location for a short time. There were also questions regarding whether or not the tavern could remain there at all.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 33 – VAR-5557

**MINUTES – Continued:**

The applicant redesigned the Site Plan to eliminate one of the two pads, which left one large building, one pad and the existing tavern on the northeast corner. MR. LEOBOLD identified the tavern as a non-conforming use in a conforming building. The site is subject to a parking variance so the tavern could remain but could not be expanded. The applicant has commitments to retain this use for no more than two years. The Site Plan has been revised to retain the taverns and reflects two other buildings on the site. The floor area of the site has been reduced to approximately 39,000 square feet. This reduction affects the parking variance slightly but the site is still considered under parked by approximately 24 percent. Staff acknowledged the recent changes as an improvement; however, a self-imposed variance is still being requested and the Site Plan is predicated on that variance so both applications have a denial recommendation.

MR. LEOBOLD clarified that the tavern could remain at the current location but if it were ever relocated, the application for the tavern would have to start over completely. He explained that the use is non-conforming because there are two churches within 1,500 feet of the site the tavern is on. One church is across Charleston Boulevard and could be waived but the other church is to the west on the south side of Charleston Boulevard. He said it would be unlikely that a tavern could be relocated on this site but can remain at its current location.

ROGER ANDERSON, Applicant, 1909 Reliza Court, appeared and stated the Site Plan was revised, as requested by the Commission, and that he concurred with all conditions.

PAUL ROBARTS, 6450 Spring Mountain Road, stated he owns the property to the east of the subject site and he noted that his Site Plan shows the building in the northeast corner of the property. He wanted assurance that any building in that corner would maintain a 30-foot and 20-foot setback because of a driveway located right at the property line. He was also concerned about visibility in the area after the proposed bus turn out was installed. MR. ROBARTS stated that if the map shown on the overhead was the current plan, his issues were not relative anymore. MARGO WHEELER, Director, Planning and Development Department, assured MR. ROBARTS that any change proposed to the Site Plan being considered would require re-notification so he would be kept aware.

COMMISSIONER STEINMAN asked exactly how many parking spaces staff counted on the property after the changes. MR. LEOBOLD stated the current Site Plan had 174 spaces and the requirement was 229. The Commissioner then asked if the minimum-parking requirement included the building situated on the west end of the site, which was marked Proposed Restaurant/Retail. MR. LEOBOLD informed him that the applicant's plan makes it very clear how the restaurant uses are being broken out. He felt the applicant was diligent in their estimates

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 33 – VAR-5557

**MINUTES – Continued:**

but acknowledged the applicant might develop with no restaurant and then the project would be much closer to not needing a variance, if one was needed at all. He acknowledged that the applicant needed a larger variance they would have to come back before the Commission.

COMMISSIONER STEINMAN stated that almost 40 percent of the parking spaces on this site are located behind the front line of the shopping center. The majority of them are behind the building and on the east side of the building. He felt the spaces were unusable except, perhaps, by employees. The Commissioner did not feel the customer base could use the parking the way it was situated. Most consumers do not walk around buildings to enter them. He felt the parking deficiency was compounded by the way the spaces were designed. MR. LEOBOLD stated that the same situation occurs with four-sided buildings that are pushed towards the street. In some instances it could create a problems related to deliveries and unloading with certain uses but it is done. The back of the building does not have to be a no mans land. COMMISSIONER STEINMAN felt that very few tenants in this type of center would want customers walking in their back door. He did not like the Variance and he felt the site was overused.

MARGO WHEELER, Director, Planning and Development Department, calculated that of the 4,500 square feet of restaurant area would require 65 parking spaces for that single use. As retail, it would require only 18 parking spaces. The difference is 47 spaces and the Variance request is for 55 spaces. If the building were developed as retail, the net difference would be seven spaces. COMMISSIONER STEINMAN then asked if the applicant would accept a condition that there would be no restaurants.

COMMISSIONER McSWAIN asked MR. ANDERSON if he had considered the possibility of a shared parking agreement with the fast food restaurant adjacent to the property on the east side. MR. ANDERSON said that he tried to purchase that parcel and the owner was not interested. The Commissioner said she had mixed feelings regarding the project and was curious about what the other members thought. She felt the adjustment was substantial if a restaurant component were included; however, being familiar with the area she recognized there are not really any parking issues. She asked if he had any tenants lined up. MR. ANDERSON said one lease has been signed with a sleep diagnostic center, which would operate during the evening hours only so they would use no parking spaces during the day. He also pointed out that although the tavern is open 24 hours a day; the peak hours for business are during the night.

COMMISSIONER McSWAIN stated that she drives near this area often and the tavern is never packed. She asked about the parking requirement for the tavern only. MR. LEOBOLD indicated the tavern use required 31 parking spaces. The Commissioner explained that she wanted to be able to support the item because the corridor needs some renovation and this

project could help. She asked MR. ANDERSON if he had any renderings to view and he showed a 3-D drawing.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 33 – VAR-5557

**MINUTES – Continued:**

MR. ANDERSON indicated that one of the buildings shown on the rendering was eliminated from the Site Plan being considered but the remainder of the rendering remains the same. He explained that the project was nicely designed with five different colors on the building, custom awnings for each storefront, stone façade and pavers for the sidewalk instead of concrete. She asked if he had any renderings of the rear elevations, he did not. COMMISSIONER McSWAIN said she did not need to see them; she was supportive of the project and the Variance.

Addressing COMMISSIONER STEINMAN'S comments regarding the rear parking, MR. ANDERSON stated that he counted 48 spaces out of 174 spaces that were located in the back. He said those spaces would be utilized by tenant employees who would be required to park in the back as a condition of the leases. This would help keep parking clear in front and it also allowed the building to be moved forward towards the street so a variance for the building height to the residential adjacency would not be necessary.

CHAIRMAN TRUESELL informed the applicant that he did want to support the project but the Variance was for a significant number, he needed to get past some of the more technical issues with regards to the Site Plan. He thought that with some subtle changes the developer would not need such a significant variance. The Chairman stated that situating the retail building in the front on the west end would result in that store's front door facing a trash enclosure and two loading zones. In his experience in dealing with tenants over the last several years, he could not imagine anyone wanting those items in front of their store regardless of the type of retail operator they might be. The only zone that would be used would be the one in front of retail, which is behind the restaurant and that would be the messiest one. He said that the site was overbuilt.

CHAIRMAN TRUESDELL thought it would serve the site well if there was a parking drive on the west end as well. It would be usable parking and have other benefits as well. It would also help the board justify the use of the parking in the rear better because drivers would not have to drive one way and then off the site if there was no parking. As it is configured, if a driver goes to the back to park and it's full, there would be no option except going offsite and then coming back in. CHAIRMAN TRUESDELL said the design does not function as far as circulation is concerned. He could not support the plan in its current configuration. The board wants good development in this area but not by sacrificing function for development. The site is square and very straightforward. There are not unrealistic circumstances involved and he could not support the item.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 33 [VAR-5557] and Item 34 [SDR-5556].

(7:09 – 7:30)

**1-2411**

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR:** M. MARGO WHEELER ☐ **CONSENT** ☒ **DISCUSSION**

**SUBJECT:**

**ABEYANCE - SDR-5556 RELATED TO VAR-5557 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT: ROGER ANDERSON - OWNER: SYUFY ENTERPRISES, A CALIFORNIA LIMITED PARTNERSHIP - Request for a Site Development Plan Review FOR A PROPOSED 42,160 SQUARE-FOOT RETAIL CENTER, WAIVER OF THE COMMERCIAL DEVELOPMENT STANDARDS FOR A 15-FOOT FRONT YARD SETBACK WHERE 20 FEET IS REQUIRED, AND FOR A WAIVER OF THE REQUIRED FOUNDATION LANDSCAPING AND SCREEN WALL REQUIREMENTS on 3.8 acres south of Charleston Boulevard, approximately 500 feet east of Wilshire Street (APN 163-01-502-005, 006, 007, and 008), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief).**

**C.C. 2/16/05**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**RECOMMENDATION:**

Staff recommends DENIAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**STEINMAN – DENIED – Motion carried with DAVENPORT and McSWAIN voting NO**

**To be heard by City Council 2/16/2005**

**MINUTES:**

See Item 33 [VAR-5557] for related discussion on Item 33 [VAR-5557] and Item 34 [SDR-5556].

(7:09 – 7:30)

1-2411



**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR:** M. MARGO WHEELER

☐

**CONSENT**

☒

**DISCUSSION**

**SUBJECT:**

**ZON-5653 - REZONING - PUBLIC HEARING - APPLICANT: JMA ARCHITECTURE STUDIOS - OWNER: GREAT WASH PARK LLC** - Request for a Rezoning FROM: U(UNDEVELOPED) ZONE [GC (GENERAL COMMERCIAL) GENERAL PLAN DESIGNATION] TO: C-2 (GENERAL COMMERCIAL) on 30.21 acres adjacent to the northeast corner of Alta Drive and Rampart Boulevard (APN 138-32-601-003), Ward 2 (Wolfson).

**ABEYANCE TO FEBRUARY 10, 2005 PLANNING COMMISSION MEETING**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

**19**

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

**0**

**RECOMMENDATION:**

Staff recommends ABEYANCE

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**NIGRO** motioned to bring forward and **HOLD IN ABEYANCE** Item 19 [SDR-5700], Item 35 [ZON-5653], Item 36 [SUP-5853], Item 37 [SDR-5657], Item 53 [VAR-5693], Item 54 [VAR-5694], Item 55 [SUP-5691], Item 56 [SDR-5689], Item 59 [VAR-5701] and Item 82 [SDR-5711] to the 2/10/2005 Planning Commission Meeting and **WITHDRAW WITHOUT PREJUDICE** Item 31 [VAR-5216] and Item 42 [GPA-5661] – **UNANIMOUS**

**MINUTES:**

GARY LEOBOLD, Planning and Development, stated that letters are on file for each of the requests.

(6:05 – 6:08)

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR:** M. MARGO WHEELER ☐ **CONSENT** ☒ **DISCUSSION**

**SUBJECT:**

**SUP-5853 - SPECIAL USE PERMIT RELATED TO ZON-5653 - PUBLIC HEARING - APPLICANT: JMA ARCHITECTURE STUDIOS - OWNER: GREAT WASH PARK LLC** - Request for a Special Use Permit TO ALLOW A PROPOSED MIXED-USE COMMERCIAL AND RESIDENTIAL DEVELOPMENT adjacent to the northeast corner of Alta Drive and Rampart Boulevard (APN 138-32-601-003), U(GC) [Undeveloped (General Commercial) General Plan Designation] Zone, [Proposed: C-2 (General Commercial)], Ward 2 (Wolfson).

**ABEYANCE TO FEBRUARY 10, 2005 PLANNING COMMISSION MEETING**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

**19**

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

**0**

**RECOMMENDATION:**

Staff recommends ABEYANCE

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**NIGRO** motioned to bring forward and **HOLD IN ABEYANCE** Item 19 [SDR-5700], Item 35 [ZON-5653], Item 36 [SUP-5853], Item 37 [SDR-5657], Item 53 [VAR-5693], Item 54 [VAR-5694], Item 55 [SUP-5691], Item 56 [SDR-5689], Item 59 [VAR-5701] and Item 82 [SDR-5711] to the 2/10/2005 Planning Commission Meeting and **WITHDRAW WITHOUT PREJUDICE** Item 31 [VAR-5216] and Item 42 [GPA-5661] – **UNANIMOUS**

**MINUTES:**

GARY LEOBOLD, Planning and Development, stated that letters are on file for each of the requests.

(6:05 – 6:08)

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: M. MARGO WHEELER**

☐

**CONSENT**

☒

**DISCUSSION**

**SUBJECT:**

**SDR-5657 - SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-5653 AND SUP-5853 - PUBLIC HEARING - APPLICANT: JMA ARCHITECTURE STUDIOS - OWNER: GREAT WASH PARK LLC** - Request for a Site Development Plan Review TO ALLOW A MIXED-USE DEVELOPMENT TO INCLUDE 700,000 SQUARE FEET OF COMMERCIAL SPACE AND 375 RESIDENTIAL CONDOMINIUM UNITS IN (1) 10-STORY AND (2) 5-STORY RESIDENTIAL CONDOMINIUM BUILDINGS on 30.21 acres adjacent to the northeast corner of Alta Drive and Rampart Boulevard (APN 138-32-601-003), U (Undeveloped) [GC (General Commercial) General Plan Designation] Zone, [Proposed: C-2 (General Commercial)], Ward 2 (Wolfson).

**ABEYANCE TO FEBRUARY 10, 2005 PLANNING COMMISSION MEETING**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>19</b>

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**RECOMMENDATION:**

Staff recommends ABEYANCE

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**NIGRO** motioned to bring forward and **HOLD IN ABEYANCE** Item 19 [SDR-5700], Item 35 [ZON-5653], Item 36 [SUP-5853], Item 37 [SDR-5657], Item 53 [VAR-5693], Item 54 [VAR-5694], Item 55 [SUP-5691], Item 56 [SDR-5689], Item 59 [VAR-5701] and Item 82 [SDR-5711] to the 2/10/2005 Planning Commission Meeting and **WITHDRAW WITHOUT PREJUDICE** Item 31 [VAR-5216] and Item 42 [GPA-5661] – **UNANIMOUS**

**MINUTES:**

GARY LEOBOLD, Planning and Development, stated that letters are on file for each of the requests.

(6:05 – 6:08)

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005****DEPARTMENT: PLANNING & DEVELOPMENT****DIRECTOR: M. MARGO WHEELER**☐**CONSENT**☒**DISCUSSION****SUBJECT:**

**GPA-5714 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT: FLETCHER JONES MANAGEMENT CO. - OWNER: JOHN LEE AND ONG PARTNERS, L.L.C. - Request to Amend a portion of the Southwest Sector Plan of the General Plan FROM: SC (SERVICE COMMERCIAL) TO: GC (GENERAL COMMERCIAL) on 3.50 acres adjacent to the northwest corner of Sahara Avenue and Pioneer Way (APN a portion of 163-03-402-017), Ward 1 (Moncrief).**

**C.C. 2/16/05****PROTESTS RECEIVED BEFORE:****Planning Commission Mtg.  
City Council Meeting**

<b>1</b>

**APPROVALS RECEIVED BEFORE:****Planning Commission Mtg.  
City Council Meeting**

<b>0</b>

**RECOMMENDATION:**

Staff recommends DENIAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:****McSWAIN – DENIED – Motion carried with GOYNES and TRUESDELL voting NO****To be heard by City Council 2/16/2005****MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 38 [GPA-5714], Item 39 [ZON-5176], Item 40 [SUP-5719] and Item 41 [SDR-5717].

GARY LEOBOLD, Planning and Development, explained that the application pertained to a site that was considered in May of 2004. It was approved for low-intensity commercial uses on the front of the site and office uses to the rear. This configuration was considered because it could transition into the low-density neighborhood to the north and it would provide some protection by not having access and a limited amount of traffic and movement. This characteristic is the key to development on Sahara Boulevard both east and west of Buffalo Drive. The current application requests that the SC (Service Commercial) designation be

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**MINUTES – Continued:**

changed to GC (General Commercial) and for the zoning to be changed to C-2 to match the GC land use designation. On the rear portion, the applicant would like the zoning changed to PR (Professional Office and Parking). This would allow the applicant to store vehicles in that area. The cars stored in this area would be visible from the neighborhood to the north of the site. The Special Use Permit request is for motor vehicle use sales, which will be done primarily from the front of the site, and for auto dealer inventory storage, on the rear of the site to the north.

The Site Plan that was originally submitted did show a relatively small building, approximately 2,020 square feet; however, since that submittal, a revised Site Plan was submitted showing that building slightly larger. He explained that if the item were approved, an amendment would be necessary to incorporate the more recent submittal acceptance date into Condition 5 of Item 41 [SDR-5717].

MR. LEOBOLD indicated that staff is recommending denial on all applications because of the potential impact on the neighbor to the north and the incompatibility with adjacent office and low-intensity commercial uses. MR. LEOBOLD informed the commission that although the number listed for protests was zero, he personally spoke with several concerned neighbors about this project.

BILL CURRAN, Attorney, Curran and Perry, 300 South 4<sup>th</sup> Street, appeared on behalf of the applicant. He stated the applicant is looking for a new location to house a new car dealership for a vehicle known as a Smart Car. He said the car is sold widely in Europe. The compact car is made and distributed by Mercedes. It is a great car for urban residents who do not need large vehicles. The applicant needs to develop a lot where these vehicles can be sold.

Regarding the amendment on the size of the building for the site, ATTORNEY CURRAN explained that the building size was increased because the original dimension was too small for a 5-acre parcel. The lot area made the building look too small on the site. The showroom size was increased but the number of employees would not increase.

ATTORNEY CURRAN showed the area on a map and indicated that the Mercedes dealership, which is located along Sahara Avenue, to the east of the subject site, has been very active and successful. That activity at that location exceeded expectations and there have been problems at that site with overflow parking. An attempt to resolve that issue by entering into an agreement with an adjacent church, St. Josephs, worked well for the church and the dealership but not the residents. The residents are trying to end that reciprocal parking agreement. The subject site would provide nearby parking to relieve the overflow situation without the church being involved.

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**MINUTES – Continued:**

ATTORNEY CURRAN stated the proposed project would be lushly landscaped and attractive from Sahara Avenue. He pointed out an area near Via Olivero Avenue, where many of the concerned neighbors lived. ATTORNEY CURRAN stated that after a neighborhood meeting, the applicant eliminated any exit from the subject site onto Via Olivero Avenue. The applicant also plans a 30-foot landscape buffer, which would be extensively landscaped. No traffic could exit the lot into the residential area; all traffic would exit onto Sahara Avenue. He stated the Pioneer Way, on the east side of the property, has been vacated to the rear of the property so traffic cannot spill back into the neighborhood from that street. A joint-access agreement was signed between the property owner and the owner of the adjacent property to the east of the site so that access to the subject site would be through two driveways on Sahara Avenue.

ATTORNEY CURRAN stated the 4,000 square-foot showroom would be modest. There would not be more than eight employees in the showroom at one time. The site would not have service or repair facilities of any type. The site would also provide storage space for inventory cars stored along the north boundary of the property. The storage could be for the Smart Car or any other vehicle the Mercedes dealership needed to house. The employee parking would be situated between the storage area and the showroom. All employees from the Mercedes lot down the street would be required to park at the lot as well as the employees from the Smart Car dealership.

ATTORNEY CURRAN noted that there have been concerns about the residents being able to see the parking area from across the street. To alleviate those concerns, the applicant has agreed to build a wall there at whatever height is deemed appropriate. He added that conditions have been imposed regarding the height of the light poles and the shoebox fixtures and the applicant agrees to all. He said that in the past there had been concerns regarding paging systems and the dealership would comply with the City ordinance prohibiting use of a speaker paging system.

ATTORNEY CURRAN suggested the use of the property is not intense and it will help to solve a neighborhood problem regarding the other location.

ANNA WILLIAMS, 7451 O'Bannon Drive, explained that she did attend the neighborhood meeting on December 14<sup>th</sup>. She objected to the proposed plan because the applicant has demonstrated a complete disregard of conformance to the conditions imposed on the present site at Sahara Avenue and Tenaya Way. That dealership, she stated, is 44,200 square feet and has 611 parking spaces, 125 display and storage spaces and 10 handicap parking spaces. Staff had recommended denial on that application but it was approved. Now it is a storage area for the inventory and the dealership employees park three blocks into the neighborhood. The residents tried for many months to have the employees quit parking in the neighborhoods.

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**MINUTES – Continued:**

She stated the dealership is too intense of a use for the neighborhood and should never have been approved. MS. WILLIAMS feared the proposed dealership might end up with the same fate. There was no way to get assurance the employees would not be walking through the neighborhood, parking on the street smoking in front of neighbors homes. If 611 were not enough spaces for the first use, how can anyone be sure there will be enough on the proposed site. She said the neighbors do not want this project there, they were looking for a more diverse usage on the site and wanted it to be something that would enhance the area.

TAMALA KAHLE, Managing Partner, Golden View Development, which owns one of the buildings adjacent to the proposed northwest corner of the lot. She appeared on behalf of some of the business owners on the west side of lot where there is light commercial use. MS. KAHLE suggested the applications be denied because of concerns regarding noise and because this will only be used as a parking lot. It will turn the light commercial use zoning area into a glorified parking lot and that would denigrate the current uses.

CAROLYN STONE, 1509 Ten Palms Court, informed the Commission that her husband jogs up Via Olivero Avenue with their two small children in a jogging stroller. They stop at a park on that street to allow the children to play. During his jogs, he sees cars from the existing Fletcher Jones dealership on Tenaya Way well into the residential area. She said that if she were to go and test drive a car and took it into the neighborhood, she did not think the salesman would stop her from driving there. MS. STONE stated that in the 1990's the noise from the car dealerships was from the paging systems. Now, the noise is from all of the car alarms going off repeatedly. The parking lot is huge and at night, they go off and keep going off all night.

MS. STONE also wanted to point out that the current dealership did exceed expectations and there is no reason not to think the proposed one would do the same. It will be a new product, there is no data analyzing how well the car would sell etc. She felt the site would be outgrown in a short period of time and asked that the Commission follow staff's recommendation for denial.

ATTORNEY CURRAN said that regarding traffic, there would be no traffic exiting onto Via Olivero Avenue. The property is located in the center of the block and the only ingress/egress is on Sahara Avenue. There is also no way to get back to Via Olivero Avenue if someone were walking. ATTORNEY CURRAN reiterated that this would help with problems in the community, not cause more. He requested approval.

COMMISSIONER DAVENPORT disagreed with ATTORNEY CURRAN. He stated that exiting the lot, a driver would most likely not be able to cross the traffic to go left. Drivers would go down Sahara Avenue to Buffalo Drive and then back down Via Olivero Avenue to the



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**MINUTES – Continued:**

other Fletcher Jones dealership. He asked if the problem was fueled by storage of vehicles in the employee parking spaces because he had received calls from the neighbors to that effect. ATTORNEY CURRAN did not know the answer but said he had not heard that. COMMISSIONER DAVENPORT stated that during meetings held with COUNCILWOMAN MONCRIEF, statements to that effect were made. He asked for assurance that the second lot would give up employee parking spaces to increase their inventory. It was his understanding that if the existing Mercedes dealer were to give the employee spaces back to the workers, there would not be a parking problem. The problem, he said, was self-imposed.

ATTORNEY CURRAN said any commercial development generates traffic and that this was a solution to the problem. A parking agreement with the church would alleviate the problem but the residents did not care for it.

COMMISSIONER DAVENPORT also noted that in the justification letter from ATTORNEY CURRAN, a statement was made saying Fletcher Jones adheres to all Municipal Codes and requested approval. If the applicant had a condition regarding the employee parking spaces and they are not allowed to park there because excess inventory is being stored there, the applicant is not in compliance with Code. ATTORNEY CURRAN was not able to address that issue. COMMISSIONER DAVENPORT stated that because of the problems with test-driving in the neighborhood and other problems that have arisen from the existing dealership, he could not support the item.

GUS HOPPLE, 9533 Bernita Court, explained that he works for Fletcher Jones and that he could address some of the questions being asked. Regarding parking, he said that the company did grow past allowing the employees to park on the facility at 7300 West Sahara Avenue. When they visited with COUNCILWOMAN MONCRIEF, discussions pertained to finding another place to park the inventory or another employee parking lot. The applicant did so when they entered into an agreement with another property owner on West Sahara Avenue.

He explained that there is a two-hour limit for people to park on Tenaya Way and on parts of Via Olivero Avenue as well. The Fletcher Jones Company cannot prohibit employees from other dealerships from parking there. He did say that the employees that work part time from 5 p.m. to 9 p.m. do like to park in those two-hour spaces; however, they are permitted to do so because the two-hour restriction is lifted after 6 p.m.

MR. HOPPLE said that the new site would provide an outlet for the Smart franchise. The Planning potential for this area is approximately 40 vehicles per month. Using that number as a guide, there would not be hundreds of Smart vehicles on the lot. There would also not be dozens



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**MINUTES – Continued:**

of employees. With the proposed layout, in addition to the Smart lot, the parking issue could be remedied regarding employees and excessive inventory. He said impact on Via Olivero Avenue would be non-existent. He said the company could insure that the employees would go down to Charleston Boulevard and up Tenaya Way or even down to Rainbow Boulevard if it is an issue.

COMMISSIONER DAVENPORT appreciated his comments but noted that if the existing Mercedes dealer grows or the Smart franchise grows beyond expectation, the inventory would continue to grow and then this situation would occur again. MR. HOPPLE said he could appreciate the concern but in the long run, if the growth continues, a second location would most likely be considered. Plans are being drawn up for another Mercedes Benz store in the southeast part of the Valley.

COMMISSIONER GOYNES thanked the neighbors for the letters he received. He asked how the dealer could insure the anticipated growth would not impede into the neighborhood. The issue has been discussed several times in the past. He suggested that perhaps the employees could be required to have a unique sticker on their car so they can be readily identified. He was searching for options of reinforcement to remind the employees they would be ticketed. MR. HOPPLE informed the Commissioner that the applicant just hired a retired METRO motorcycle officer to work as a compliance officer. He has held that position for only one week but one of the first things done was ordering stickers for the employees' cars and making a roster of all employees to match up with the stickers. The street would be policed so no employees would park on Tenaya Way or Via Olivero Avenue. The company will purchase shuttles to transport employees from the parking lot to the dealer to supplement the two existing shuttles.

MR. HOPPLE stated that when he first began at the dealership in 2003, there were problems with the employees parking on Via Olivero Avenue and they would smoke back there etc. The applicant mitigated that problem. He contested that employees do not go back behind the lot to smoke or loiter. He reiterated that Via Olivero Avenue would not be accessible from the proposed lot. COMMISSIONER GOYNES stated that the compliance officer should be well known in the neighborhood so the residents know who to call to handle the problems.

COMMISSIONER McSWAIN said this situation is an example of why C-2 should not mix with C-1. The applicant has gone to great lengths to make the project work and there are still several issues. She stated that she had mixed feelings regarding the project. The vacation of Pioneer Way is a benefit and so is the fact that there will not be service or auto body repair facilities on site; however, she was concerned about the right turn onto Sahara Avenue and also the denigration of the light commercial use in the area.

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**MINUTES – Continued:**

COMMISSIONER STEINMAN asked if the proposal was that the Mercedes employees from the existing location would park in the proposed new lot. MR. HOPPLE confirmed he was correct. The Commissioner did not think the employees would be happy doing that. MR. HOPPLE informed him that it is happening that way now. The employees currently park at another facility further east on Sahara Avenue near Rainbow Boulevard. COMMISSIONER STEINMAN said if that was the case, then there should not be any Fletcher Jones employees parking in the neighborhood presently. MR. HOPPLE said that he knew there were people parking on Tenaya Way and also on Via Olivero Avenue but when their employees are caught doing that, they are run off. The compliance officer will do that from now on and he will enforce company policy, which now states they are not to park there. MR. HOPPLE said that there were several other dealerships to the east and they are encountering similar problems with parking and it is probable that their employees are parking on the streets. He has no control over that.

COMMISSIONER STEINMAN asked why there needed to be a new lot if the employees are already parking elsewhere. MR. HOPPLE explained that the dealership needed the facility for their franchise and this would be the dealers property, it would not be leased from someone else. Ownership of the property would allow the applicant to enforce policy much better.

MR. HOPPLE said the applicant is looking for alternatives beyond reprimanding and terminating employees. COMMISSIONER GOYNES suggested that payroll deductions are often very effective.

CHAIRMAN TRUESDELL asked ATTORNEY CURRAN if the dealership across the street from the subject site was related to Fletcher Jones. He replied it was not. The Chairman stated that the dealership he was referring to had installed a landscape buffer that is significant in fronting onto Loreda Street. CHAIRMAN TREUSDELL understood the need for growth and expansion but he wanted to see the dealerships in this area work together to resolve the issue pertaining to Via Olivero Avenue. He hoped that there could be a parking prohibition on that street and then no one would have to police the situation. It is easy for the dealers to blame each other but the homeowners are impacted and something must be done.

CHAIRMAN TRUESDELL said the streets are private and test drivers expect to be able to drive on and around Tenaya Way. The auto dealers in this area have been very successful and will continue growing. To see good planning and support of that growth, there needs to be a commitment on the users part to mitigate impact on the community. The Chairman could support the application if it came with a commitment from Fletcher Jones to take a leadership role in coming up with a solution to the problem. Otherwise, the dealers needs are being met at the expense of the neighbors.

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**MINUTES – Continued:**

ATTORNEY CURRAN said that he could say, on behalf of the applicant, that they would cooperate in trying to find resolutions as suggested. From the standpoint of Fletcher Jones, the parking prohibition on Via Olivero Avenue would be encouraged. That would solve one problem and simplify the issue from the dealership's standpoint. MR. HOPPLE assured the Chairman that Fletcher Jones would take a leadership role in working with the Southern Nevada Franchise Auto Dealers and the dealers on Sahara Avenue to discuss potential solutions with COUNCILWOMAN MONCRIEF.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 38 [GPA-5714], Item 39 [ZON-5176], Item 40 [SUP-5719] and Item 41 [SDR-5717].

(7:30 – 8:12)

**1-3535**

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR:** M. MARGO WHEELER ☐ **CONSENT** ☒ **DISCUSSION**

**SUBJECT:**

**ZON-5716 - REZONING RELATED TO GPA-5714 - PUBLIC HEARING - APPLICANT: FLETCHER JONES MANAGEMENT CO. - OWNER: JOHN LEE AND ONG PARTNERS, L.L.C. - Request for a Rezoning FROM: U (UNDEVELOPED) [SC (SERVICE COMMERCIAL) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO C-1 (LIMITED COMMERCIAL) TO: C-2 (GENERAL COMMERCIAL) AND FROM: U (UNDEVELOPED) [O (OFFICE) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO O (OFFICE) TO: P-R (PROFESSIONAL OFFICES AND PARKING) on 4.86 acres adjacent to the northwest corner of Sahara Avenue and Pioneer Way (APN 163-03-402-017), Ward 1 (Moncrief).**

**C.C. 2/16/05**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>1</b>

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**RECOMMENDATION:**

Staff recommends DENIAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**McSWAIN – DENIED – Motion carried with GOYNES and TRUESDELL voting NO**

**To be heard by City Council 2/16/2005**

**MINUTES:**

See Item 38 [GPA-5714] for related discussion on Item 38 [GPA-5714], Item 39 [ZON-5176], Item 40 [SUP-5719] and Item 41 [SDR-5717].

(7:30 – 8:12)

**1-3535**

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: M. MARGO WHEELER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**SUP-5719 - SPECIAL USE PERMIT RELATED TO GPA-5714 AND ZON-5716 - PUBLIC HEARING - APPLICANT: FLETCHER JONES MANAGEMENT COMPANY - OWNER: JOHN LEE AND ONG PARTNERS, L.L.C. - Request for a Special Use Permit FOR A PROPOSED MOTOR VEHICLE SALES (USED) AND FOR A PROPOSED AUTO DEALER INVENTORY STORAGE USE adjacent to the northwest corner of Sahara Avenue and Pioneer Way (APN 163-03-402-017), U (Undeveloped) Zone [O (Office) General Plan Designation] under Resolution of Intent to O (Office) and U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial) Zone, Ward 1 (Moncrief).**

**C.C. 2/16/05**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

<b>1</b>

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

<b>0</b>

**RECOMMENDATION:**

Staff recommends DENIAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**McSWAIN – DENIED – Motion carried with GOYNES and TRUESDELL voting NO**

**To be heard by City Council 2/16/2005**

**MINUTES:**

See Item 38 [GPA-5714] for related discussion on Item 38 [GPA-5714], Item 39 [ZON-5176], Item 40 [SUP-5719] and Item 41 [SDR-5717].

(7:30 – 8:12)

**1-3535**

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: M. MARGO WHEELER**

☐

**CONSENT**

☒

**DISCUSSION**

**SUBJECT:**

**SDR-5717 - SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-5714, ZON-5716 AND SUP-5719 - PUBLIC HEARING - APPLICANT: FLETCHER JONES MANAGEMENT CO. - OWNER: JOHN LEE AND ONG PARTNERS, L.L.C. - Request for a Site Development Plan Review FOR A PROPOSED 2,020 SQUARE—FOOT AUTO DEALERSHIP on 4.86 acres adjacent to the northwest corner of Sahara Avenue and Pioneer Way (APN 163-03-402-017), U (Undeveloped) Zone [O (Office) General Plan Designation] under Resolution of Intent to O (Office) and U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial) Zone [PROPOSED: C-2 (General Commercial) Zone and P-R (Professional Office and Parking), Ward 1 (Moncrief).**

**C.C. 2/16/05**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>1</b>

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**RECOMMENDATION:**

Staff recommends DENIAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**McSWAIN – DENIED – Motion carried with GOYNES and TRUESDELL voting NO**

**To be heard by City Council 2/16/2005**

**MINUTES:**

See Item 38 [GPA-5714] for related discussion on Item 38 [GPA-5714], Item 39 [ZON-5176], Item 40 [SUP-5719] and Item 41 [SDR-5717].

(7:30 – 8:12)

**1-3535**

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR:** M. MARGO WHEELER ☐ **CONSENT** ☒ **DISCUSSION**

**SUBJECT:**

**GPA-5661 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT: D.R. MCMILLIN - OWNER: SAHARA PARK LTD.** - Request to Amend a portion of the Southeast Sector Plan of the General Plan FROM: SC (SERVICE COMMERCIAL) TO: H (HIGH DENSITY RESIDENTIAL) on 3.2 acres adjacent to the east side of Sixth Street approximately 350 feet north of Sahara Avenue (APN 162-03-811-000), Ward 3 (Reese).

**WITHDRAW WITHOUT PREJUDICE**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

**0**

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

**0**

**RECOMMENDATION:**

Staff recommends WITHDRAW WITHOUT PREJUDICE

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**NIGRO** motioned to bring forward and **HOLD IN ABEYANCE** Item 19 [SDR-5700], Item 35 [ZON-5653], Item 36 [SUP-5853], Item 37 [SDR-5657], Item 53 [VAR-5693], Item 54 [VAR-5694], Item 55 [SUP-5691], Item 56 [SDR-5689], Item 59 [VAR-5701] and Item 82 [SDR-5711] to the 2/10/2005 Planning Commission Meeting and **WITHDRAW WITHOUT PREJUDICE** Item 31 [VAR-5216] and Item 42 [GPA-5661] – **UNANIMOUS**

**MINUTES:**

GARY LEOBOLD, Planning and Development, stated that letters are on file for each of the requests.

(6:05 – 6:08)

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: M. MARGO WHEELER**

☐

**CONSENT**

☒

**DISCUSSION**

**SUBJECT:**

**ZON-5485 - REZONING - PUBLIC HEARING - APPLICANT: GREGORY L. WILDE - OWNER: GEORGE GILL** - Request for a Rezoning FROM: R-1 (SINGLE-FAMILY RESIDENTIAL) TO: P-R (PROFESSIONAL OFFICE AND PARKING) on 0.17 acres at 228 South Jones Boulevard (APN 138-36-112-016), Ward 1 (Moncrief).

**C.C. 2/16/05**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**RECOMMENDATION:**

Staff recommends APPROVAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**NIGRO – APPROVED subject to conditions – UNANIMOUS**

**To be heard by the City Council on 2/16/2005**

NOTE: Initial motion by NIGRO to HOLD IN ABEYANCE to 2/10/2005 was rescinded. Subsequent motion by McSWAIN for APPROVAL carried unanimously.

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 43 [ZON-5485] and Item 44 [SDR-5486].

FLINN FAGG, Planning & Development Department, stated that the proposed rezoning request is from R-1 to P-R (Professional Office). The proposed rezoning is in conformance with the General Plan and staff recommended approval. In addition, the applicant is proposing a 1,500 square-foot home/office conversion with waivers of the landscape standards. Staff approved of the waivers, with the exception of the waiver for the landscaped buffer at the rear property line.



PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 43 – ZON-5485

**MINUTES – Continued:**

Staff wanted the applicant to revise the site by shifting the parking spaces further to the west and provide a landscaped buffer along the rear of the property.

MR. FAGG added that Condition 14 on Item 44 [SDR-5486] was listed in error and would need to be deleted. Based on the size of the property, a Master Sign Plan was not required.

CHAIRMAN TRUESDELL asked if the applicant was present. Seeing no one, he then asked if any members of the audience wished to speak for or against the items. There were no speakers. DEPUTY CITY ATTORNEY BRYAN SCOTT advised the Commission that the item should be held in abeyance for 30 days if the applicant was not present.

MR. FAGG advised COMMISSIONER McSWAIN that staff believed the applicant was in agreement with the conditions but did not know why the applicant was not present for this meeting. She questioned why the item was not on the One Motion One Vote items, as she was prepared to vote on the item.

After motion for abeyance of the item, MR. FAGG advised the Commission that the applicant had stepped out to take a call and missed his item. VICE CHAIRMAN NIGRO motioned for a rescission so that the Commission could discuss the item with the applicant present.

GREG WILDE, Wilde and Associates, thanked the Commission for hearing his item. He then concurred with staff's recommendations.

No one appeared in opposition.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 43 [ZON-5485] and Item 44 [SDR-5486].

(8:13 – 8:17/8:55 – 8:58)

**2-1390/2-2548**

**CONDITIONS:**

Planning and Development

1. A Resolution of Intent with a two-year time limit.
2. A Site Development Plan Review (SDR-5486) application approved by the Planning Commission or City Council prior to issuance of any permits, any site grading, and all development activity for the site.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
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Item 43 – ZON-5485

**CONDITIONS – Continued:**

Public Works

3. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. Any new or modifications to existing driveways shall be designed, located and constructed in accordance with Standard Drawing #222A.
4. This site will be subject to the traffic signal impact fee as required by Ordinance No. 5644 at the time permits are issued.
5. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainage ways as recommended.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR:** M. MARGO WHEELER ☐ **CONSENT** ☒ **DISCUSSION**

**SUBJECT:**

**SDR-5486 - SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-5485 - PUBLIC HEARING - APPLICANT: GREGORY L. WILDE - OWNER: GEORGE GILL -**  
Request for a Site Development Plan Review FOR A 1500 SQUARE-FOOT OFFICE BUILDING WITH WAIVERS OF THE LANDSCAPE STANDARDS on 0.17 acres at 228 South Jones Boulevard (APN 138-36-112-016), Ward 1 (Moncrief).

**C.C. 2/16/05**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**RECOMMENDATION:**

Staff recommends APPROVAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**NIGRO – APPROVED subject to conditions and deleting Condition No. 14 – UNANIMOUS**

**To be heard by the City Council on 2/16/2005**

NOTE: Initial motion by NIGRO to HOLD IN ABEYANCE to 2/10/2005 was rescinded. Subsequent motion by McSWAIN for APPROVAL carried unanimously.

**MINUTES:**

See Item 43 [ZON-5485] for related discussion on Item 43 [ZON-5485] and Item 44 [SDR-5486].

(8:13 – 8:17/8:55 – 8:58)  
**2-1390/2-2548**

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 44 – SDR-5486

**CONDITIONS:**

Planning and Development

1. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
2. The applicant shall relocate the landscaping shown on the site plan between the subject building and parking space one. The landscaping shall be relocated along the east property adjacent to the fourth parking space. The landscape buffer shall be installed along the entire length of the eastern property line.
3. All City Code requirements and design standards of all City departments must be satisfied.
4. All development shall be in conformance with the site plan and building elevations, date stamped December 22, 2004 except as amended by conditions herein.
5. The site plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit to reflect the relocation of the landscaping along the east property adjacent to the fourth parking space as noted in a separate condition.
6. Prior to the submittal of a building permit, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
7. The landscape plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect minimum 24-inch box trees planted a maximum of 20 feet on-center and a minimum of four five-gallon shrubs for each tree within provided planters.
8. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. [Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.] [non-residential development]
9. A landscaping plan must be submitted prior to or at the same time application is made for a building permit.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 44 – SDR-5486

**CONDITIONS – Continued:**

10. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
11. Prior to the issuance of building permits, a revised landscape plan must be submitted to and approved by the Department of Planning and Development showing a maximum of 12.5% of the total landscaped area as turf.
12. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets except single-family residential development. Air conditioning units shall not be mounted on rooftops residential development.
13. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize ‘shoe-box’ fixtures and downward-directed lights. Wallpack lighting shall utilize ‘shoe-box’ fixtures and downward-directed lights on the proposed building. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
14. A Master Sign Plan shall be submitted for approval of the Planning Commission or City Council prior to the issuance of a Certificate of Occupancy for any building on the site.
15. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.
16. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.

**Public Works**

17. Provide a copy of a recorded Joint Access Agreement between this site and the adjoining parcel to the south prior to the issuance of any permits.
18. If on-street parking is not already prohibited adjacent to this site, submit a written request to the Traffic and Parking Commission to eliminate parking on Jones Boulevard adjacent to this site prior to the issuance of building or offsite permits or the issuance of a business license, whichever may occur first. Comply with recommendations of the Traffic and Parking Commission.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 44 – SDR-5486

**CONDITIONS – Continued:**

19. Hard Surface and/or landscape all unimproved right-of-way, if any unimproved area exists, on Jones Boulevard adjacent to this site prior to the issuance of a business license. Maintain all such improvements in perpetuity. All landscaping installed with this project shall be situated and maintained so as not to create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
20. Obtain an Occupancy Permit for all landscaping and private improvements in the Jones Boulevard public right-of-way adjacent to this site.
21. Site development to comply with all applicable conditions of approval for Zoning Reclassification (ZON-5485) and all other subsequent site-related actions.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: M. MARGO WHEELER**

☐

**CONSENT**

☒

**DISCUSSION**

**SUBJECT:**

**ZON-5702 - REZONING - PUBLIC HEARING - APPLICANT: TANEY ENGINEERING - OWNER: ISOLA SALVO LLC, ET AL - Request for a Rezoning FROM: U (UNDEVELOPED) [TC (TOWN CENTER) GENERAL PLAN DESIGNATION] [MLA-TC (MEDIUM-LOW ATTACHED – TOWN CENTER) SPECIAL LAND USE DESIGNATION] TO: T-C (TOWN CENTER) on 4.12 acres adjacent to the southwest corner of Chieftain Street and Bath Drive (APN 125-19-701-009 and -010), Ward 6 (Mack).**

**C.C. 2/16/05**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

<b>0</b>

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

<b>0</b>

**RECOMMENDATION:**

Staff recommends APPROVAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**NIGRO – APPROVED subject to conditions – UNANIMOUS**

**To be heard by the City Council on 2/16/2005**

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 45 [ZON-5702], Item 46 [VAC-5707], Item 47 [VAR-5705], Item 48 [SUP-5870] and Item 49 [SDR-5704].

GARY LEOBOLD, Planning and Development, stated with regards to these applications, in terms of the zoning request at Town Center, this request is in conformance with the General Plan, which designates the site as TC (Town Center). Staff is in support of rezoning all land within Town Center to the TC zoning category. The special land use designation under the design standards manual designates the site as MLA (Medium Low Attached) Residential Town Center. The rezoning is conforming to that and staff recommended approval.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 45 – ZON-5702

**MINUTES – Continued:**

Regarding the Vacation, this request is to vacate the halves of Chieftain Street and Rome Boulevard that are adjacent to the site. By vacating these lands, it would allow development of single-family subdivision on this site. The request is appropriate because these roads are not needed. Rome Boulevard is adjacent to the Beltway and there would not be any traffic through there. Staff recommended approval.

Regarding the Site Plan, the applicant proposed a gated development with private streets. When this is done in Town Center, the applicant is required to file a Special Use Permit. In addition, open space is calculated differently. When Town Center was developed, the intent was to promote public streets and discourage the use of private streets and gated areas. The Code within Town Center has an Open Space percentage for public streets versus private streets. The open space requirement is higher for private street developments.

This proposed 60-lot development included 9,736 square feet of open space at the entrance to the site and 14,706 square feet at the rear of the site. The site is overbuilt with the total number of lots based on the use of private streets. Therefore, the applicant has created a hardship that is self-imposed. An alternative site plan that is not gated with fewer lots or with public streets would allow conformance to the Title 19 open space requirements.

In addition, one of the conditions required gated communities not taking access directly off an arterial roadway should have a minimum of two active gated entrances. The site contains only one point of ingress and egress located on Bath Drive. Staff recommended denial on the Variance and the Special Use Permit. Since the Site Plan is predicated on the need for these two applications, staff recommended denial on the Site Plan as well.

ED TANEY, Taney Engineering, 4445 S. Jones Boulevard, appeared on behalf of the property owner and developer. MR. TANEY reiterated MR. LEOBOLD'S overview of the applications. The proposed Site Plan has 25,000 square feet of open space, which exceeds the open space requirement of 20,000 square feet. Immediately south of the proposed project, there is an elevated beltway, I-215. Bath Drive is an 80-foot street on a 60-foot street section with 10 feet of landscaping on both sides of the street. On the opposite side of Chieftain Street is a public facility, which is a retention basin. Immediately west of the proposed project are five acres, which should be a park site. Because of these adjacent uses, the applicant felt it was not essential to have interconnectivity between the other properties for pedestrian traffic. The applicant felt it was beneficial to have private streets in a gated community, which would connect well with the potential park site. The proposed project has ample open space and there are amenities right off the entry.



PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 45 – ZON-5702

**MINUTES – Continued:**

MR. TANEY added that a meeting has taken place with the fire department. There is a threshold of approximately 100 units, which would mandate a secondary ingress/egress. There is little impact with traffic volumes, and although it is not required, a lot could be deleted and replaced by an additional emergency access. He then requested approval of the applications.

MR. LEOBOLD clarified for COMMISSIONER McSWAIN that the original intent of the Town Center standards was to have an urban feel, with gridlocks without any impediments and no restricted pedestrian flows. COMMISSIONER McSWAIN then stated that the parcel northwest of the proposed project appeared not to be in line with what is expected within Town Center. With that, she stated she would be inclined to support the proposed project, as it does meet the open space requirement and is adjacent to the retention basin and backs up to the I-215 Beltway.

MR. LEOBOLD responded to CHAIRMAN TRUESDELL by stating that the parcel west of the proposed site is zoned PF-TC. The school district has a pending application to lease the entire site. CHAIRMAN TRUESDELL added that there would be a significant amount of open space around this site. Even though it varies from the Code, he felt that this is one area that having a gated project would be reasonable, and he concluded by stating he could support the application.

VICE CHAIRMAN NIGRO understood the reason for interconnectivity; however, he was more supportive of having narrower streets on small parcels such as the proposed project. He could support the application, as when there is a public facility on one side and a retention basin on the other side, any connectivity would eventually go away because of the types of facilities adjacent to the proposed project.

VICE CHAIRMAN NIGRO also asked if there was an added condition regarding two access points on the proposed project. DAVID GUERRA, Public Works, verified that staff did not have any added conditions. The existing conditions already stipulate that the gates must be in accordance with Standard Drawing #222A and meet the approval of the Department of Fire Services.

No one appeared in opposition.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 45 [ZON-5702], Item 46 [VAC-5707], Item 47 [VAR-5705], Item 48 [SUP-5870] and Item 49 [SDR-5704].

(8:17 – 8:31)

**2-1530**

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 45 – ZON-5702

**CONDITIONS:**

1. A Resolution of Intent with a two-year time limit.
2. A Site Development Plan Review (SDR-5704) application approved by the Planning Commission or City Council prior to issuance of any permits, any site grading, and all development activity for the site.

**Public Works**

3. The submitted petition of Vacation VAC-5707 shall record prior to the recordation of a Final Map for this site.
4. Construct half-street improvements including appropriate overpaving (if legally able) on Bath Drive adjacent to this site concurrent with development of this site. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete).
5. Provide a minimum of two lanes of paved, legal access to this site prior to occupancy of any units within this development.
6. Extend public sewer in Bath Drive to the western edge of this site to a location and depth acceptable to the City Engineer. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.
7. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR:** M. MARGO WHEELER ☐ **CONSENT** ☒ **DISCUSSION**

**SUBJECT:**

**VAC-5707 - VACATION RELATED TO ZON-5702 - PUBLIC HEARING - APPLICANT: TANEY ENGINEERING - OWNER: ISOLA SALVO LLC, ET AL** - Petition to Vacate the west half of Chieftain Street between Rome Boulevard and Bath Drive, and the north side of Rome Boulevard west of Chieftain Street, Ward 6 (Mack).

**SET DATE: 02/02/05 C.C. 02/16/05**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>1</b>

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**RECOMMENDATION:**

Staff recommends APPROVAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**NIGRO – APPROVED subject to conditions – UNANIMOUS**

**To be heard by the City Council on 2/16/2005**

**MINUTES:**

See Item 45 for related discussion on Item 45 [ZON-5702], Item 46 [VAC-5707], Item 47 [VAR-5705], Item 48 [SUP-5870] and Item 49 [SDR-5704].

(8:17 – 8:31)

**2-1530**

**CONDITIONS:**

Planning and Development

1. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the recordation of the Order of Vacation for this application. Appropriate drainage easements shall be reserved if recommended by the approved Drainage Plan/Study. The Drainage Study required with Zoning

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 46 – VAC-5707

**CONDITIONS – Continued:**

Reclassification ZON-5702 may be used to satisfy this requirement, provided that the area requested for vacation is addressed within the study.

2. All existing public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Vacation.
3. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress there from shall be provided if required.
4. All development shall be in conformance with code requirements and design standards of all City departments.
5. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, that conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.
6. If the Order of Vacation is not recorded within one (1) year after approval by the City Council and the Planning and Development Director does not grant an Extension of Time, then approval will terminate and a new petition must be submitted.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR:** M. MARGO WHEELER ☐ **CONSENT** ☒ **DISCUSSION**

**SUBJECT:**

**VAR-5705 - VARIANCE RELATED TO ZON-5702 AND VAC-5707 - PUBLIC HEARING - APPLICANT: TANEY ENGINEERING - OWNER: ISOLA SALVO LLC, ET AL -** Request for a Variance TO ALLOW 25,923 SQUARE FEET OF OPEN SPACE WHERE 43,133 SQUARE FEET IS THE MINIMUM REQUIRED FOR A PROPOSED SINGLE-FAMILY DEVELOPMENT on 4.12 acres adjacent to the southwest corner of Chieftain Street and Bath Drive (APN 125-19-701-009 and 010), U (Undeveloped) [TC (Town Center) General Plan Designation] [MLA-TC (Medium-Low Attached – Town Center) Special Land Use Designation], Ward 6 (Mack).

**C.C. 2/16/05**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**RECOMMENDATION:**

Staff recommends DENIAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**NIGRO – APPROVED subject to conditions – UNANIMOUS**

**To be heard by the City Council on 2/16/2005**

**MINUTES:**

See Item 45 for related discussion on Item 45 [ZON-5702], Item 46 [VAC-5707], Item 47 [VAR-5705], Item 48 [SUP-5870] and Item 49 [SDR-5704].

(8:17 – 8:31)

**2-1530**

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 47 – VAR-5705

**CONDITIONS:**

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-5702), Site Development Plan Review (SDR-5704) and a Vacation (VAC-5707).
2. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
3. In lieu of compliance with the open space requirements of Municipal Code 19.06.040, the developer will be allowed to make a contribution to the City of Las Vegas Parks CIP Fund in the amount of \$68,840 or  $[17,210 \times \$4.00]$  to be utilized by the City Council for improvements to existing public parks nearby. This contribution must be made to Land Development prior to approval of a Final Map, otherwise the developer is still required to comply with the Open Space requirement in accordance with Title 19 of the Las Vegas Municipal Code.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR:** M. MARGO WHEELER ☐ **CONSENT** ☒ **DISCUSSION**

**SUBJECT:**

**SUP-5870 - SPECIAL USE PERMIT RELATED TO ZON-5702, VAC-5707 AND VAR-5705 - PUBLIC HEARING - APPLICANT: TANEY ENGINEERING - OWNER: GENE SQUITIERI** - Request for a Special Use Permit FOR A PROPOSED GATED SUBDIVISION WITH PRIVATE STREETS WITHIN TOWN CENTER adjacent to the southwest corner of Bath Drive and Chieftain Street (APN 125-19-701-009 and 10), Ward 6 (Mack).

**C.C.: 02/16/05 - IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**RECOMMENDATION:**

Staff recommends DENIAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**NIGRO – APPROVED subject to conditions – UNANIMOUS**

**To be heard by the City Council on 2/16/2005**

**MINUTES:**

See Item 45 for related discussion on Item 45 [ZON-5702], Item 46 [VAC-5707], Item 47 [VAR-5705], Item 48 [SUP-5870] and Item 49 [SDR-5704].

(8:17 – 8:31)

**2-1530**

**CONDITIONS:**

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.050 for Private Streets (Residential).

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 48 – SUP-5870

**CONDITIONS – Continued:**

2. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-5702) and Site Development Plan Review (SDR-5704).
3. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
4. All City Code requirements and design standards of all City departments must be satisfied.
5. A waiver of gated communities not taking access directly off an arterial roadway shall have minimum of two active gated entrances shall be granted.

Public Works

6. All active gated access driveways shall be designed, located and constructed in accordance with Standard Drawing #222A.
7. A Homeowners Association shall be established to maintain all perimeter walls, private roadways, landscaping and common areas created with this development. All landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
8. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Tentative Map for this site. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.
9. Site development to comply with all applicable conditions of approval for Zoning Reclassification ZON-5702, Site Development Plan Review SDR-5704 and all other applicable site-related actions.



**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR:** M. MARGO WHEELER ☐ **CONSENT** ☒ **DISCUSSION**

**SUBJECT:**

**SDR-5704 - SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-5702, VAC-5707 AND VAR-5705 - PUBLIC HEARING - APPLICANT: TANEY ENGINEERING - OWNER: ISOLA SALVO LLC, ET AL** - Request for a Site Development Plan Review FOR A 60-LOT SINGLE-FAMILY DEVELOPMENT on 4.12 acres adjacent to the southwest corner of Chieftain Street and Bath Drive (APN 125-19-701-009 and 010), U (Undeveloped) [TC (Town Center) General Plan Designation] [MLA-TC (Medium-Low Attached – Town Center) Special Land Use Designation] [PROPOSED: T-C (Town Center) Zone], Ward 6, (Mack).

**C.C. 2/16/05**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**RECOMMENDATION:**

Staff recommends DENIAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**NIGRO – APPROVED subject to conditions – UNANIMOUS**

**To be heard by the City Council on 2/16/2005**

**MINUTES:**

See Item 45 for related discussion on Item 45 [ZON-5702], Item 46 [VAC-5707], Item 47 [VAR-5705], Item 48 [SUP-5870] and Item 49 [SDR-5704].

(8:17 – 8:31)

**2-1530**

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 49 – SDR-5704

**CONDITIONS:**

Planning and Development

1. A Rezoning (ZON-5702) from U(Undeveloped) [TC (Town Center)] to a T-C (Town Center) Zoning District approved by the City Council.
2. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
3. All City Code requirements and design standards of all City departments must be satisfied.
4. All development shall be in conformance with the site plan and building elevations, date stamped November 30, 2004 except as amended by conditions herein.
5. The setbacks for this development shall be a minimum of 10 feet to the front of the house, 20 feet to the front of the garage as measured from back of sidewalk or from back of curb if no sidewalk is provided, three feet on the side, 10 feet on the corner side, and 8.8 feet in the rear.
6. The landscape plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect minimum 24-inch box trees planted a maximum of 20 feet on-center and a minimum of four five-gallon shrubs for each tree within provided planters.
7. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner.
8. A landscaping plan must be submitted prior to or at the same time application is made for a building permit.
9. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
10. Prior to approval of any final map, developer is required to adopt a plan for the maintenance of infrastructure improvements. The plan is to include a listing of all infrastructure improvements, along with assignment of maintenance responsibility to common interest community, individual property owner, or City of Las Vegas, and the proposed level of maintenance for privately maintained components. The agreement must be approved by the City of Las Vegas, and must include a certification by the licensed professional engineer of record that all infrastructure components are addressed in the

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 49 – SDR-5704

**CONDITIONS – Continued:**

maintenance plan. The plan must include a statement that all properties within the community are subject to assessment for all associated costs should private maintenance obligations not be met, and the City of Las Vegas be required to provide for said maintenance. The adoption process must include recordation of the plan against all parcels prior to approval of the final map. In addition, should the development have a recreational trail, in accordance with NRS 278.4787, the following text should be added prior to the last sentence to the previous text: The plan shall note that the recreational trail to be transferred to the ownership of the City of Las Vegas shall be maintained at a basic level through utilization of public resources. That basic level to be defined as removal of debris and surface grading once every calendar year. Should additional maintenance activities be requested by the common interest community, or members thereof, the associated costs shall be assessed to the common interest community and/or members thereof.

11. Air conditioning units shall not be mounted on rooftops residential development.
12. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.
13. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.
14. Landscape, sidewalk, and amenity zones must adhere to Town Center Standards.

**Public Works**

15. Coordinate with the City Surveyor to determine whether a Merger and Re-subdivision Map or other map is necessary; if such map is required, it should record prior to the issuance of any permits for this site.
16. Petition of Vacation, VAC-5707, shall record prior to the recordation of a Final Map for this site or the issuance of any permits for this site, whichever may occur first.
17. All active gated access driveways shall be designed, located and constructed in accordance with Standard Drawing #222A.
18. A Homeowners' Association shall be established to maintain all perimeter walls, private roadways, landscaping and common areas created with this development. All landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 49 – SDR-5704

**CONDITIONS – Continued:**

19. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Tentative Map for this site. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.
20. Site development to comply with all applicable conditions of approval for Zoning Reclassification ZON-5702 and all other applicable site-related actions.
21. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first. We note that non-standard cul-de-sacs are being proposed on the site plan.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR:** M. MARGO WHEELER ☐ **CONSENT** ☒ **DISCUSSION**

**SUBJECT:**

**ZON-5726 - REZONING - PUBLIC HEARING - APPLICANT/OWNER: GABRIEL MANRIQUEZ** - Request for a Rezoning FROM: R-1 (SINGLE FAMILY RESIDENTIAL) TO: P-R (PROFESSIONAL OFFICE AND PARKING) on 0.17 acres at 717 South 8th Street (APN 139-34-810-040), Ward 5 (Weekly).

**C.C. 2/16/05**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**RECOMMENDATION:**

Staff recommends APPROVAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**McSWAIN – APPROVED subject to conditions – UNANIMOUS**

**To be heard by the City Council on 2/16/2005**

NOTE: Chairman Truesdell disclosed that he owned property in the Downtown area; however, it is not located within the notification area so he would vote on this item.

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 50 [ZON-5726], Item 51 [VAR-5730] and Item 52 [SDR-5727].

Prior to discussion, FLINN FAGG, Planning and Development, advised the Commission that the applicant on Items 43 and 44 was now present in the audience. Since these items were already opened for discussion, CHAIRMAN TRUESDELL replied that the Commission would hear Items 43 and 44 thereafter.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 50 – ZON-5726

**MINUTES – Continued:**

MR. FAGG stated that the rezoning request from R-1 (Single Family Residential) to P-R (Professional Office and Parking) is in conformance with the General Plan. Staff recommended approval. Regarding the Variance, the request would allow a 48-foot lot width where 60 feet is required for a proposed professional office. Staff also recommended approval of the Variance, as it meets the criteria for a Variance. Lastly, staff recommended approval on the Site Development Plan Review, provided that the applicant provides an equivalent number of trees on the site.

RICK VAN DIEPEN, 5850 S. Polaris, appeared with the owner, GABRIEL MANRIQUEZ. MR. VAN DIEPEN concurred with staff's recommendations. He expressed concern for Condition 8 on Item 52 [SDR-5727] relative to replacing the existing chain-link fence. MR. VAN DIEPEN has spoken with the owner, and he would be happy to replace the wall. However, they would like this condition to be removed. The proposed site is a small 48-foot wide parcel. Having a six-foot block wall on this site would be out of character. This area is a historic neighborhood, and the homes are older and are cottage style homes. These homes are less than 1,500 square feet and have been converted into small offices. The applicant would like to maintain the character of the neighborhood. He pointed out that there are existing large trees and bushes on both sides of the property line, which stand over eight feet and act as a buffer. MR. VAN DIEPEN continued by adding that the existing shed would be removed, and there would be an additional three parking spaces in the rear. He felt that this would be an improvement and should not adversely affect the adjacent neighbors.

COMMISSIONER McSWAIN stated that the Commission does not look favorably upon chain link fencing. There is a residential property adjacent to the proposed property. If the adjacent neighbor did not mind something other than chain link fencing, such as wrought iron fencing, she could support the application as well. MR. VAN DIEPEN concurred. MR. FAGG confirmed for COMMISSIONER McSWAIN that if the fencing was changed to wrought iron, approval from the adjacent residential property owner is not needed. MARGO WHEELER, Planning and Development, added that Condition 8 on Item 52 [SDR-5727] would be revised. She then read the revision into record.

No one appeared in opposition.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 50 [ZON-5726], Item 51 [VAR-5730] and Item 52 [SDR-5727].

(8:47 – 8:55)

**2-2172**

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 50 – ZON-5726

**CONDITIONS:**

Planning and Development

1. A Resolution of Intent with a two-year time limit.
2. A Variance application (VAR-5730) and a Site Development Plan Review application (SDR-5726), approved by the Planning Commission and City Council prior to the issuance of any permits, any site grading, and all development activity for the site.

Public Works

3. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
4. All new or modifications to existing driveways shall be designed, located and constructed in accordance with Standard Drawing #222A.
5. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways as recommended.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR:** M. MARGO WHEELER ☐ **CONSENT** ☒ **DISCUSSION**

**SUBJECT:**

**VAR-5730 - VARIANCE RELATED TO ZON-5726 - PUBLIC HEARING - APPLICANT/OWNER: GABRIEL MANRIQUEZ -** Request for a Variance TO ALLOW A 48-FOOT LOT WIDTH WHERE 60 FEET IS THE MINIMUM REQUIRED LOT WIDTH FOR A PROPOSED PROFESSIONAL OFFICE DEVELOPMENT on 0.17 acres at 717 South 8th Street (APN 139-34-810-040), R-1 (Single Family Residential) Zone [PROPOSED: P-R (Professional Office and Parking) Zone], Ward 5 (Weekly).

**C.C. 2/16/05**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**RECOMMENDATION:**

Staff recommends APPROVAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**McSWAIN – APPROVED subject to conditions – UNANIMOUS**

**To be heard by the City Council on 2/16/2005**

NOTE: Chairman Truesdell disclosed that he owned property in the Downtown area; however, it is not located within the notification area so he would vote on this item.

**MINUTES:**

See Item 50 [ZON-5726] for related discussion on Item 50 [ZON-5726], Item 51 [VAR-5730] and Item 52 [SDR-5727].

(8:47 – 8:55)  
**2-2172**



PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 51 – VAR - 5730

**CONDITIONS:**

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-5726) and Site Development Plan Review (SDR-5727).
2. This Variance shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR:** M. MARGO WHEELER ☐ **CONSENT** ☒ **DISCUSSION**

**SUBJECT:**

**SDR-5727 - SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-5726 AND VAR-5730 - PUBLIC HEARING - APPLICANT/OWNER: GABRIEL MANRIQUEZ -**  
 Request for a Site Development Plan Review FOR A 1,495 SQUARE-FOOT OFFICE BUILDING AND WAIVERS OF LANDSCAPE AND BUFFER REQUIREMENTS on 0.17 acres at 717 South 8th Street (APN 139-34-810-040), R-1 (Single Family Residential) Zone [PROPOSED: P-R (Professional Office and Parking) Zone], Ward 5 (Weekly).

**C.C. 2/16/05**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

**0**

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

**0**

**RECOMMENDATION:**

Staff recommends APPROVAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**McSWAIN – APPROVED** subject to conditions and amending the following condition:

8. The existing chain-link fencing shall be removed. A six-foot high property line wall shall be provided along the south property line, and shall be a decorative block wall, with at least 20 percent contrasting materials, *or wrought iron fence*. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.

– UNANIMOUS

To be heard by the City Council on 2/16/2005

**MINUTES:**

See Item 50 [ZON-5726] for related discussion on Item 50 [ZON-5726], Item 51 [VAR-5730] and Item 52 [SDR-5727].

(8:47 – 8:55)  
 2-2172

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 52 – SDR-5727

**CONDITIONS:**

Planning and Development

1. A Rezoning (ZON-5726) to a P-R (Professional Office and Parking) Zoning District and a Variance (VAR-5730) approved by the City Council.
2. This Site Development Plan Review shall expire two years from the date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
3. All development shall be in conformance with the site plan and building elevations, date stamped 11/30/04, except as amended by conditions herein.
4. The Waiver from the requirement for eight-foot deep perimeter landscape buffers is hereby approved, provided an equivalent number of trees is provided elsewhere on the site. The landscape plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect this requirement.
5. The landscape plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect a minimum of one tree for every six parking spaces in accordance with the requirements of Title 19.08.045.
6. Turf shall be limited to a maximum of 12.5% of the total landscape area.
7. The landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.
8. The existing chain-link fencing shall be removed. A six-foot high property line wall shall be provided along the south property line, and shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.
9. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets and properties. A trash enclosure, if provided, shall be walled and roofed in accordance with the requirements of Title 19.08.045.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 52 – SDR-5427

**CONDITIONS – Continued:**

10. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

11. Landscape and maintain all unimproved rights-of-way adjacent to this site.

12. Submit an Encroachment Agreement for all landscaping and private improvements, located within or over the public rights-of-way adjacent to this site prior to occupancy of this site.

13. Site development to comply with all applicable conditions of approval for Zoning Reclassification ZON-5726 and all other subsequent site-related actions.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR:** M. MARGO WHEELER ☐ **CONSENT** ☒ **DISCUSSION**

**SUBJECT:**

**VAR-5693 - VARIANCE - PUBLIC HEARING - APPLICANT: GERALD GARAPICH A.I.A. LLC - OWNER: A.L.M. CORP.** - Request for a Variance TO ALLOW 132 PARKING SPACES WHERE 148 SPACES ARE THE MINIMUM REQUIRED FOR A PROPOSED COMMERCIAL DEVELOPMENT WITH A TAVERN on 2.55 acres adjacent to the northeast corner of Grand Teton Drive and Durango Drive (APN a portion of 125-09-401-006), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial) Zone, Ward 6, (Mack).

**C.C. 2/16/05**

**PROTESTS RECEIVED BEFORE:**

<b>Planning Commission Mtg.</b>	<b>4</b>
<b>City Council Meeting</b>	

**APPROVALS RECEIVED BEFORE:**

<b>Planning Commission Mtg.</b>	<b>0</b>
<b>City Council Meeting</b>	

**RECOMMENDATION:**

Staff recommends DENIAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**NIGRO** motioned to bring forward and **HOLD IN ABEYANCE** Item 19 [SDR-5700], Item 35 [ZON-5653], Item 36 [SUP-5853], Item 37 [SDR-5657], Item 53 [VAR-5693], Item 54 [VAR-5694], Item 55 [SUP-5691], Item 56 [SDR-5689], Item 59 [VAR-5701] and Item 82 [SDR-5711] to the 2/10/2005 Planning Commission Meeting and **WITHDRAW WITHOUT PREJUDICE** Item 31 [VAR-5216] and Item 42 [GPA-5661] – **UNANIMOUS**

**MINUTES:**

GARY LEOBOLD, Planning and Development, stated that letters are on file for each of the requests.

(6:05 – 6:08)

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR:** M. MARGO WHEELER ☐ **CONSENT** ☒ **DISCUSSION**

**SUBJECT:**

**VAR-5694 - VARIANCE RELATED TO VAR-5693 - PUBLIC HEARING - APPLICANT: GERALD GARAPICH A.I.A. LLC - OWNER: A.L.M. CORP. - Request for a Variance TO ALLOW A 24-FOOT SETBACK WHERE RESIDENTIAL ADJACENCY STANDARDS REQUIRE A MINIMUM OF 73 FEET on 2.55 acres adjacent to the northeast corner of Grand Teton Drive and Durango Drive (APN a portion of 125-09-401-006), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial), ward 6, (Mack).**

**C.C. 2/16/05**

**PROTESTS RECEIVED BEFORE:**

<b>Planning Commission Mtg.</b>	<b>4</b>
<b>City Council Meeting</b>	

**APPROVALS RECEIVED BEFORE:**

<b>Planning Commission Mtg.</b>	<b>0</b>
<b>City Council Meeting</b>	

**RECOMMENDATION:**

Staff recommends DENIAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**NIGRO motioned to bring forward and HOLD IN ABEYANCE Item 19 [SDR-5700], Item 35 [ZON-5653], Item 36 [SUP-5853], Item 37 [SDR-5657], Item 53 [VAR-5693], Item 54 [VAR-5694], Item 55 [SUP-5691], Item 56 [SDR-5689], Item 59 [VAR-5701] and Item 82 [SDR-5711] to the 2/10/2005 Planning Commission Meeting and WITHDRAW WITHOUT PREJUDICE Item 31 [VAR-5216] and Item 42 [GPA-5661] – UNANIMOUS**

**MINUTES:**

GARY LEOBOLD, Planning and Development, stated that letters are on file for each of the requests.

(6:05 – 6:08)

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR:** M. MARGO WHEELER ☐ **CONSENT** ☒ **DISCUSSION**

**SUBJECT:**

**SUP-5691 - SPECIAL USE PERMIT RELATED TO VAR-5693 - PUBLIC HEARING - APPLICANT: GERALD GARAPICH A.I.A. LLC - OWNER: A.L.M. CORP. - Request for a Special Use Permit FOR A PROPOSED LIQUOR ESTABLISHMENT (TAVERN) AND A WAIVER OF THE 1,500-FOOT DISTANCE SEPARATION REQUIREMENT FROM AN EXISTING PARK adjacent to the northeast corner of Grand Teton Drive and Durango Drive (APN a portion of 125-09-401-006), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial) Zone, Ward 6, (Mack).**

**C.C.: 02/16/05 - IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

**4**

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

**0**

**RECOMMENDATION:**

Staff recommends DENIAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**NIGRO motioned to bring forward and HOLD IN ABEYANCE Item 19 [SDR-5700], Item 35 [ZON-5653], Item 36 [SUP-5853], Item 37 [SDR-5657], Item 53 [VAR-5693], Item 54 [VAR-5694], Item 55 [SUP-5691], Item 56 [SDR-5689], Item 59 [VAR-5701] and Item 82 [SDR-5711] to the 2/10/2005 Planning Commission Meeting and WITHDRAW WITHOUT PREJUDICE Item 31 [VAR-5216] and Item 42 [GPA-5661] – UNANIMOUS**

**MINUTES:**

GARY LEOBOLD, Planning and Development, stated that letters are on file for each of the requests.

(6:05 – 6:08)

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR:** M. MARGO WHEELER ☐ **CONSENT** ☒ **DISCUSSION**

**SUBJECT:**

**SDR-5689 - SITE DEVELOPMENT PLAN REVIEW RELATED TO SUP-5691, VAR-5693, AND VAR-5694 - PUBLIC HEARING - APPLICANT: GERALD GARAPICH A.I.A. LLC - OWNER: A.L.M. CORP.** - Request for a Site Development Plan Review FOR A 6,115 SQUARE-FOOT TAVERN AND A WAIVER OF TRASH ENCLOSURE SEPARATION on 2.55 acres adjacent to the northeast corner of Grand Teton Drive and Durango Drive (APN a portion of 125-09-401-006), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial), ward 6, (Mack).

**C.C. 2/16/05**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

**4**

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

**0**

**RECOMMENDATION:**

Staff recommends DENIAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**NIGRO** motioned to bring forward and **HOLD IN ABEYANCE** Item 19 [SDR-5700], Item 35 [ZON-5653], Item 36 [SUP-5853], Item 37 [SDR-5657], Item 53 [VAR-5693], Item 54 [VAR-5694], Item 55 [SUP-5691], Item 56 [SDR-5689], Item 59 [VAR-5701] and Item 82 [SDR-5711] to the 2/10/2005 Planning Commission Meeting and **WITHDRAW WITHOUT PREJUDICE** Item 31 [VAR-5216] and Item 42 [GPA-5661] – **UNANIMOUS**

**MINUTES:**

GARY LEOBOLD, Planning and Development, stated that letters are on file for each of the requests.

(6:05 – 6:08)



**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: M. MARGO WHEELER**

☐

**CONSENT**

☒

**DISCUSSION**

**SUBJECT:**

**VAR-5699 - VARIANCE - PUBLIC HEARING - APPLICANT: BRUCE I. FAMILIAN - OWNER: FARM & ALEXANDER PROPERTIES, LLC** - Request for a Variance TO ALLOW 91 PARKING SPACES WHERE 100 SPACES ARE THE MINIMUM REQUIRED FOR A PROPOSED MEDICAL OFFICE BUILDING WITHIN AN EXISTING COMMERCIAL CENTER on 4.92 acres at the southwest corner of Alexander Road and Dalecrest Drive (APN 138-10-516-006), C-1 (Limited Commercial) Zone, Ward 4 (Brown).

**C.C. 2/16/05**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

**0**

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

**0**

**RECOMMENDATION:**

Staff recommends DENIAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**STEINMAN – APPROVED subject to conditions – UNANIMOUS**

**To be heard by the City Council on 2/16/2005**

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 57 [VAR-5699] and Item 58 [SDR-5697].

FLINN FAGG, Planning and Development, stated that the proposed project is to be leased for medical office uses and does not meet the parking requirements. Should the site be used as regular office, fewer parking spaces would be required. Staff recommended denial, as the criteria for the Variance have not been met. Staff recommended approval of the Site Development Plan Review, as the proposed building could be used as commercial office space and would comply with parking requirements. Regarding the Waiver on landscaping, the

applicant is proposing a generous amount of landscaping that is appropriate and staff recommended approval.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 57 – VAR-5699

**MINUTES – Continued:**

JENNIFER ROBERTS, Attorney, Lionel Sawyer & Collins, along with GREG BORGEL, 300 S. 4<sup>th</sup> Street, appeared on behalf of the applicant. ATTORNEY ROBERTS apologized for the applicant, BRUCE FAMILIAN, as he could not appear at this meeting due to an emergency. ATTORNEY ROBERTS stated that this is a proposed medical office building within an existing commercial center on Alexander Road and Tenaya Way. It is a one-story building with 4,750 square feet. The size and layout of the project is conducive for a single or limited number of uses. It is not conducive to heavy patient or emergency traffic. Therefore, the parking is adequate. The parking would be modified to add the additional handicapped parking space, but the existing number of parking spaces would not be affected. There are approximately 20 additional nearby parking spaces for the overflow.

MR. BORGEL stated that other than the proposed project, the remaining portion of the property has been developed and in operation. The center, as a whole, has very light users of parking. He pointed out a mini warehouse, which comprises almost 50% of the property. It does not generate traffic or parking demand. The Cox Communication building is provided with 15 parking spaces and is essentially an equipment building. It would be unlikely that more than one individual would be using these spaces. The applicant has kept track of the parking on the property and has advised them that there is surplus parking 24 hours day. If there were an overflow from the proposed building, there would be additional parking in the overflow. The project was designed as a single user medical building with less than 5,000 square feet of space and one set of restroom facilities. It could not be the kind of medical facility with extra parking, such as the University Medical Center. This type of facility has multiple doctors with many clients. Although there is an existing surplus of handicap parking on the property, he reiterated that there would not be a problem with providing the additional handicap parking space, which would not affect the total number of parking spaces. He then concurred with staff's conditions, with or without the approval of the Variance.

COMMISSIONER McSWAIN felt that the applicant justified why the proposed project would work, even with the deficiency on the nine parking spaces as required by Code. She agreed that the Cox Communications building is not necessarily an office space, as she could support the Site Development Plan Review and the Variance. COMMISSIONER DAVENPORT concurred with COMMISSIONER McSWAIN'S comments.

Using the overhead, MR. BORGEL confirmed for COMMISSIONER STEINMAN that the area along Dalecrest Drive has an existing building, which is the mini warehouse. COMMISSIONER STEINMAN expressed concern that if the proposed project were going to be a medical center, it would not be convenient for individuals to park around the convenient store to go to the proposed medical building. He then inquired as to how many parking spaces the proposed

medical facility need. MR. BORGEL responded that as a medical building, it would require 26 parking

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 57 – VAR-5699

**MINUTES – Continued:**

spaces and on the site, there are 19, and the opportunity to have a parking overflow is very minimal. COMMISSIONER STEINMAN was satisfied with MR. BORGEL'S comments. He then asked if Condition 5 needed to be deleted on Item 58 [SDR-5697]. MR. BORGEL requested the condition be deleted and replaced with the condition to add a second handicap parking space. BRYAN SCOTT, Deputy City Attorney, referenced Condition 2 as to if it sufficed the requirements. MARGO WHEELER, Planning and Development, affirmed DEPUTY CITY ATTORNEY SCOTT'S comment but preferred having a specific condition relative to the handicap parking space.

For the record, MR. FAGG added that there was an error on the Agenda Summary Page for Item 57 [VAR-5699]. Staff's recommendation was for approval and not denial.

No one appeared in opposition.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 57 [VAR-5699] and Item 58 [SDR-5697].

(8:58 – 9:11)  
**2-2697**

**CONDITIONS:**

Planning and Development

1. Conformance to the Conditions of Approval for Rezoning Z-0025-88, Site Development Plan Review Z-0025-88(9), and Site Development Plan Review SDR-5697.
2. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR:** M. MARGO WHEELER ☐ **CONSENT** ☒ **DISCUSSION**

**SUBJECT:**

**SDR-5697 - SITE DEVELOPMENT PLAN REVIEW RELATED TO VAR-5699 - PUBLIC HEARING - APPLICANT: BRUCE I. FAMILIAN - OWNER: FARM & ALEXANDER PROPERTIES, LLC** - Request for a Site Development Plan Review FOR A 4,750 SQUARE-FOOT MEDICAL OFFICE BUILDING WITH WAIVERS OF PARKING LOT LANDSCAPING on 4.92 acres adjacent to the southwest corner of Alexander Road and Dalecrest Drive (APN 138-10-516-006), C-1 (Limited Commercial) Zone, Ward 4 (Brown).

**C.C. 2/16/05**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**RECOMMENDATION:**

Staff recommends APPROVAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**STEINMAN – APPROVED** subject to conditions and amending the following condition:

5. *The site plan shall be revised prior to issuance of any permits to indicate a second handicap parking space near the building.*

– UNANIMOUS

**To be heard by the City Council on 2/16/2005**

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 57 [VAR-5699] and Item 58 [SDR-5697].

(8:58 – 9:11)  
2-2697

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 58 – SDR-5697

**CONDITIONS:**

Planning and Development

1. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
2. All City Code requirements and design standards of all City departments must be satisfied.
3. All development shall be in conformance with the site plan and building elevations, date stamped November 30, 2004 except as amended by conditions herein.
4. A Waiver of the Title 19.12.040.A requirement that a landscaped island and one tree be placed for every six parking spaces is hereby granted.
5. The building shall be used for commercial office space, and parking shall conform to Title 19.10 commercial office parking standards.
6. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. [Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.]
7. A landscaping plan must be submitted prior to or at the same time application is made for a building permit.
8. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
9. Prior to the issuance of building permits, a revised landscape plan must be submitted to and approved by the Department of Planning and Development showing no more than 15% of the total landscaped area as turf.
10. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets except single-family residential development. Air conditioning units shall not be mounted on rooftops residential development.
11. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize 'shoe-box' fixtures and downward-directed lights. Wallpack lighting shall utilize 'shoe-box' fixtures and downward-directed lights on the proposed building. Non-residential

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 58 – SDR-5697

**CONDITIONS – Continued:**

property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.

12. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.
13. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.
14. Prior to approval of any final map, the developer is required to adopt a plan for the maintenance of infrastructure improvements.
  - (a) The plan is to include a listing of all infrastructure improvements along with assignment of maintenance responsibility to a common interest community, individual property owner, or City of Las Vegas, and the proposed level of maintenance for privately maintained components.
  - (b) The agreement must be approved by the City of Las Vegas and must include a certification by the licensed professional engineer of record that all infrastructure components are addressed in the maintenance plan.
  - (c) The plan must include a statement that all properties within the community are subject to assessment for all associated costs should private maintenance obligations not be met and the City of Las Vegas is then required to provide for said maintenance.
  - (d) The adoption process must include recordation of the plan against all parcels prior to approval of the final map.

Public Works

15. Remove all substandard public street improvements, if any, adjacent to this site and replace with new improvements meeting current City Standards concurrent with on-site development activities.
16. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any grading or building permits or the submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways as recommended in the approved drainage plan/study.



PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 58 – SDR-5697

**CONDITIONS – Continued:**

17. Provide a copy of a recorded Joint Access Agreement between this site and the adjoining parcels to the south and west prior to the issuance of any permits.
18. Site development to comply with all applicable conditions of approval for Z-25-88 and all other applicable site-related actions.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR:** M. MARGO WHEELER ☐ **CONSENT** ☒ **DISCUSSION**

**SUBJECT:**

**VAR-5701 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: JAMES L. MOORE** - Request for a Variance TO ALLOW A PROPOSED SIX-FOOT WALL IN THE FRONT YARD WHERE FOUR FEET (TOP TWO FEET 50% OPEN) IS THE MAXIMUM HEIGHT ALLOWED on 1.04 acres at 2700 Alta Drive (APN 139-32-701-003), R-A (Ranch Acres) Zone, Ward 1 (Moncrief).

**P.C.: FINAL ACTION (Unless appealed within 10 days)**

**PROTESTS RECEIVED BEFORE:**

Planning Commission Mtg.  
City Council Meeting

**0**

**APPROVALS RECEIVED BEFORE:**

Planning Commission Mtg.  
City Council Meeting

**0**

**RECOMMENDATION:**

Staff recommends DENIAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**NIGRO** motioned to bring forward and **HOLD IN ABEYANCE** Item 19 [SDR-5700], Item 35 [ZON-5653], Item 36 [SUP-5853], Item 37 [SDR-5657], Item 53 [VAR-5693], Item 54 [VAR-5694], Item 55 [SUP-5691], Item 56 [SDR-5689], Item 59 [VAR-5701] and Item 82 [SDR-5711] to the 2/10/2005 Planning Commission Meeting and **WITHDRAW WITHOUT PREJUDICE** Item 31 [VAR-5216] and Item 42 [GPA-5661] – **UNANIMOUS**

**MINUTES:**

GARY LEOBOLD, Planning and Development, stated that letters are on file for each of the requests.

(6:05 – 6:08)

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR:** M. MARGO WHEELER ☐ **CONSENT** ☒ **DISCUSSION**

**SUBJECT:**

**VAR-5713 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: FIRST CHRISTIAN CHURCH** - Request for a Variance TO ALLOW AN EXISTING SIGN TO BE RAISED TO 13 FEET IN HEIGHT WHERE EIGHT FEET IS THE MAXIMUM HEIGHT ALLOWED on 4.81 acres at 101 South Rancho Drive (APN 139-32-501-001) R-1 (Single Family Residential) Zone, Ward 5 (Weekly).

**P.C.: FINAL ACTION (Unless appealed within 10 days)**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

**0**

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

**0**

**RECOMMENDATION:**

Staff recommends DENIAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**EVANS – Motion to HOLD IN ABEYANCE – UNANIMOUS with DAVENPORT abstaining as he owns property located within the Notification area**

**To be held in abeyance to the 2/10/2005 Planning Commission meeting**

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open.

FLINN FAGG, Planning and Development, stated that the criteria of the Variance have not been met and cannot be granted, so staff recommended denial.

DARRELL SHOCK, Vision Sign Company, 3625 S. Polaris, stated that the request for the proposed 13-foot double face monument sign is to have the change panel high enough to avoid individuals tampering with it, as well as for better visibility. It is an existing sign, and the footing and the pipes have been placed to support the proposed height of the sign. MR. SHOCK then requested approval of the application.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 60 – VAR-5713

**MINUTES – Continued:**

DANIEL DEEGAN, 1801 Granite Avenue, appeared on behalf of the Rancho Manor Neighborhood Association. He pointed out that the applicant, First Christian Church, lies within the perimeter of the Rancho Manor Neighborhood Association. MR. DEEGAN stated that the applicant is regarded as model citizens within the community. The community is grateful, as the applicant has been hospitable over the years in providing space for their neighborhood activities. In addition, the applicant has been amenable in attending the neighborhood association meeting and advising the residents of the church's plans for the proposed sign and to answer any questions the residents may have had. The association wholeheartedly supported the applicant's request. Although MR. DEEGAN does not reside within the notification area, he confirmed for MARGO WHEELER, Planning and Development, that the neighborhood association did receive notification of this meeting.

MR. SHOCK reiterated to COMMISSIONER STEINMAN that the sign is an existing sign, and the request is solely to increase the height of the sign an additional five feet. He then confirmed for CHAIRMAN TRUESDELL that should the sign be raised, a square base would be constructed. In addition, the sign would have a changing attraction panel to advertise various upcoming church events. MR. SHOCK emphasized that the proposed increased height is also intended to prevent potential vandalism and graffiti of the sign.

MR. SHOCK then requested clarification on Condition 3. DAVID GUERRA, Public Works, responded that the property is located at a major arterial, Rancho Drive. It is standard practice that a 25-foot radius be dedicated at these areas because traffic signals are anticipated in the future. CHAIRMAN TRUESDELL added that the commitment would be for the dedication, not the physical construction, because it is for future traffic signals. COMMISSIONER EVANS then asked if this condition would be effective had the applicant not come forward with this application. MR. GUERRA responded that if the applicant had not come forward with this request, Public Works would not require the condition. It would only then be required prior to improvements being done. MR. GUERRA confirmed for COMMISSIONER EVANS that it is possible that the applicant could lose some of their property in the future. COMMISSIONER EVANS wanted to ensure the applicant was aware of possible consequences, should the application be approved. MR. DEEGAN asked if Condition 3 could be deleted; should a traffic signal be required in the future, the church would be willing to handle that requirement at that time. CHAIRMAN TRUESDELL replied that the condition is standard and is handled when the application is discussed. MR. GUERRA added that the condition also states that the applicant must coordinate with the Right-of-Way Section of the Department of Public Works for assistance in the preparation of appropriate documents prior to the issuance of any permits for this site. In essence, the applicant would not have to hire a professional land surveyor. He also advised MR. SHOCK that the timeframe in processing these documents could take up to two weeks. MR. SHOCK suggested the pastor of the First Christian Church speak, who was in the

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 60 – VAR-5713

**MINUTES – Continued:**

audience. REVEREND DAVID JARMAN, Co-Senior Pastor, First Christian Church, stated that their church has been in the proposed location since the 1950's and have had a very good relationship with the community. The uniqueness of their building is that it does not look like a church, as it is a campus like facility. The proposed height increase would help to identify who they are and advertise their programs. COMMISSIONER EVANS stated that he does not object to the proposed height increase but reiterated his concern in that the applicant needed to be certain that he understood what Condition 3 stipulated. He then suggested holding the item in abeyance to give the applicant time to discuss the terms of this standard condition with Public Works.

COMMISSIONER McSWAIN stated that there are two churches down the street from where she resides, but these churches do not look as commercial as the First Christian Church. She understood the applicant needing signage; however, she felt that the proposed height of 13 feet would impact the residential character of the neighborhood. It would be visible from the residents' backyard that backs up to the site, as well as, those properties that back up across Rancho Drive. She did not feel that the proposed signage was appropriate, even though it is on Rancho Drive. The signage is commercial and within a residential neighborhood. She added that there has been previous argument about preserving the residential character of this area. She referenced a previous billboard application that she opposed but was ultimately approved in this area. She would not support this application.

COMMISSIONER GOYNES asked if the applicant could agree to Condition 3. COMMISSIONER EVANS felt that the applicant appeared to be perplexed and inquired about abeying the item to give the applicant time to review the condition with Public Works. He referenced the Bishop Gormon sign on Maryland Parkway, as this sign advertises events relative to the basic functions of the church and school. Considering the amount of signage throughout Las Vegas, he felt that a church advertising its services or events did not seem egregious. MR. SHOCK stated that the design of the billboard sign is not one created by First Christian Church; it is a typical design used by churches throughout the country.

VICE CHAIRMAN NIGRO informed MR. SCHOCK that when a property owner comes forward with an application to improve their property, the municipality would come forth with requests/conditions to ensure that streets and right-of-ways are dedicated for future traffic signals, regardless of what jurisdiction an applicant is in. Such is the case with this application, as the applicant's request deals with an improvement. If these types of requests/conditions were dealt with later, the City would have to go through a longer and different process. The longer process usually happens on undeveloped property. In this case, the radius may already exist or there is a chance that the applicant could lose a portion of his property. VICE CHAIRMAN NIGRO reiterated to the applicant that if he agreed to the conditions as written, he

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 60 – VAR-5713

**MINUTES – Continued:**

would be committing to dedicating the portion of property that the City needs for the radius. MR. SHOCK then asked what the difference would be should the applicant not agree to the condition now. BRYAN SCOTT, Deputy City Attorney, replied that if the applicant dedicated the radius, the City does not pay for the property. However, if the City were forced to take it in condemnation, then the City would pay for the property. COMMISSIONER EVANS then stated that the distinction is that the applicant was waiving his right to compensation if he agreed to the condition. DEPUTY CITY ATTORNEY SCOTT added that the applicant is required to allow the dedication as a result of redeveloping his property.

MR. SHOCK requested that the application be held in abeyance for two weeks. CHAIRMAN TRUESDELL suggested 30 days, as the next Planning Commission meeting already has an extensive agenda. MR. SHOCK concurred. COMMISSIONER EVANS stressed the importance of having these discussions prior to the Planning Commission meetings, so that these types of questions/issues are dealt with beforehand and not in a public forum. VICE CHAIRMAN NIGRO suggested the applicant could go online to download the specs so that an engineer could review it and inform the applicant just how much property would need to be dedicated for the right-of-way.

No one appeared in opposition.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(9:11 – 9:31)

**2-3355**

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: M. MARGO WHEELER**

☐

**CONSENT**

☒

**DISCUSSION**

**SUBJECT:**

**VAR-5637 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: SHERLEE EDISON** - Request for a Variance TO ALLOW A 30-FOOT REAR YARD SETBACK WHERE 35 FEET IS REQUIRED TO ENCLOSE A PORTION OF A PATIO COVER AND TO CONSTRUCT A BALCONY on 0.46 acres at 1505 Ten Palms Court (APN 163-03-211-004) R-E (Residence Estates) Zone, Ward 1 (Moncrief).

**P.C.: FINAL ACTION (Unless appealed within 10 days)**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**RECOMMENDATION:**

Staff recommends DENIAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter
5. Submitted at Meeting – Letter of Support from Carolyn Stone with 7 additional signatures

**MOTION:**

**DAVENPORT – APPROVED** subject to conditions and adding the following condition:

- *The proposed elevated balcony area shall be removed from the project.*
- **UNANIMOUS** with **DAVENPORT** abstaining as he owns property located within the Notification area

**This is Final Action**

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open.

FLINN FAGG, Planning and Development, stated that the request is for a Variance to allow a 30-foot rear yard setback where 35 feet is the minimum required to enclose a portion of an existing patio cover and to construct a balcony. Staff felt that the criteria for granting a Variance was not met and recommended denial.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 61 – VAR-5637

**MINUTES – Continued:**

HANK LEVEE, Reliable Construction Company, 2235 S. Rainbow Boulevard, represented the applicant, SHERLEE EDISON, who was also present. MR. LEVEE submitted a letter from MR. and MRS. JAY and CAROLYN STONE stating their support, along with eight additional signatures from residents who reside on Ten Palms Court and supported the application as well. MR. LEVEE confirmed for CHAIRMAN TRUESDELL that the applicant agreed with staff's conditions. MR. LEVEE stated that the proposed variance is approximately the same distance from the back of the property. The applicant's husband passed away in 2003, and the daughter returned to live with her mother, the applicant.

CAROLYN STONE, 1509 Ten Palms Court, resides immediately adjacent to the proposed location. She stated that the applicant's previous request for a Variance for the patio cover was approved. The application is to extend the patio at the rear and on the side of the house, but the addition would still leave a 10-foot setback. She pointed out that some of the homes behind their development on the other side of Tioga Way and Mirabella Ridge have variances with 20-foot setbacks.

JEANETTE DALEY, 1501 Ten Palms Court, expressed concern that her privacy would be invaded, as these homes are single story homes, with the exception of MRS. STONE'S property. There are some two-story homes behind her home. As a result, she planted a row of trees to keep her privacy. She requested the Commission deny the application.

MS. STONE pointed out that the pad elevation on her home is two feet higher than the elevation on the applicant's home. MS. DALEY'S home is lower. The pad elevations on the homes located on Tioga Way are a minimum of eight feet higher than those on Ten Palms Court. In addition, the homes on Tioga Way are two-stories with balconies on the third levels, with one of these homes being directly behind MS. DALEY'S home.

COMMISSIONER McSWAIN suggested trailing the application if the applicant and residents had not discussed this issue prior to this meeting. To address her concern for privacy, MS. DALEY requested a virtual tour whereby she can be assured that her privacy is not intruded upon from the proposed balcony.

MR. LEVEE informed COMMISSIONER DAVENPORT that the height of the roof is approximately 22-23 feet high. COMMISSIONER DAVENPORT then concluded that the base of the proposed balcony would be ten feet, and one would have to look over 22 feet to see MS. DALEY'S home. Photos of the applicant and MS. DALEY'S home were shown. CHAIRMAN TRUESDELL stressed that this type of discussion is what should take place prior to the Planning Commission meeting. Due to the extensive agenda, he then suggested trailing the item so a discussion could take place between the parties involved or hold the item in abeyance. MS.



PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 61 – VAR-5637

**MINUTES – Continued:**

STONE requested that the Commission vote on the item, as it would be a hardship for the applicant to come back regarding this item. DEPUTY CITY ATTORNEY SCOTT recommended trailing the item. CHAIRMAN TRUESDELL concurred. MS. STONE suggested having an attorney present should the parties involved discuss the item. COMMISSIONER McSWAIN suggested a member of staff be present during their discussion.

After trailing the item, a brief discussion took place. MR. LEVEE informed the Commission that suggestions were made, at staff's recommendation, such as placing a solid wall on MS. DALEY'S side to maintain her privacy. MS. DALEY still opposed the proposed balcony.

COMMISSIONER DAVENPORT stated that the proposed request was reasonable and felt that MS. DALEY'S privacy would not be intruded upon. COMMISSIONER STEINMAN stated that the proposed room addition is not invasive because the setback is an existing one, and the main issue was having the balcony on top. NICOLE EDISON, applicant's daughter, 1505 Ten Palms Court, confirmed for COMMISSIONER STEINMAN that the more important desire is having the room addition. The applicant (MS. EDISON) and MS. DALEY agreed to have the room addition without the balcony.

MARGO WHEELER, Planning and Development, confirmed that the approval is for the enclosure of the patio cover with no exterior balcony.

CHAIRMAN TRUESDELL declared the Public Hearing closed.  
(9:31 – 9:42)/ (10:02 – 10:06)  
**3-520/3-1600**

**CONDITIONS:**

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Variance V-0097-94.
2. This Variance shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR:** M. MARGO WHEELER ☐ **CONSENT** ☒ **DISCUSSION**

**SUBJECT:**

**VAR-5665 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: FRANK REAGAN** - Request for a Variance TO ALLOW A PROPOSED SIX-FOOT CORNER SIDE YARD SETBACK WHERE 15 FEET IS THE MINIMUM REQUIRED FOR A ROOM ADDITION on 0.36 acres at 3622 Mooncrest Circle (APN 138-09-614-015), R-D (Single Family Residential- Restricted) Zone, Ward 4 (Brown).

**P.C.: FINAL ACTION (Unless appealed within 10 days)**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**RECOMMENDATION:**

Staff recommends DENIAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**McSWAIN – APPROVED subject to condition – Motion carried with EVANS and STEINMAN voting NO**

**This is Final Action**

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open.

FLINN FAGG, Planning and Development, stated that the criteria for granting a Variance has not been met, as staff recommended denial.

FRANK REAGAN, 3622 Mooncrest Circle, informed CHAIRMAN TRUESDELL that he did not receive staff's conditions. CHAIRMAN TRUESDELL read the sole condition for MR. REAGAN. MR. REAGAN concurred with the condition.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 62 – VAR-5665

**MINUTES – Continued:**

COMMISSIONER STEINMAN pointed out that this home sits on five feet above Gowan Road and expressed concern that the extra space along the side of the house could be a parking space for a RV and other paraphernalia. The proposed room addition will appear to be a huge box up in the air alongside Gowan Road. He felt that this room addition would not blend well due to the height of the lot, as the slab of the applicant's home sits much higher than Gowan Road. MR. REAGAN responded that his home is a two-story structure with a balcony. The elevation would be the same height. COMMISSIONER STEINMAN added that MR. REAGAN'S home has proper setbacks and felt that the request was an extreme variance for the setback to place this room addition. The room addition would be more visible than the existing home. MR. REAGAN pointed out that his home is already more visible because of the height of the property. However, the design of the proposed room addition would be consistent with the existing structure. COMMISSIONER STEINMAN understood MR. REAGAN'S request but reiterated that it still would not blend with the setbacks.

COMMISSIONER McSWAIN stated she would support the application, as the proposed setback is only for the corner and not the entire length of the property.

No one appeared in opposition.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(9:42 – 9:46)

**3-865**

**CONDITIONS:**

Planning and Development

1. This Variance shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR:** M. MARGO WHEELER ☐ **CONSENT** ☒ **DISCUSSION**

**SUBJECT:**

**VAR-5668 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: GLISS-FOOTE, L.L.C.** - Request for a Variance TO ALLOW 21 PARKING SPACES WHERE 26 SPACES ARE REQUIRED FOR A PROPOSED COMMERCIAL DEVELOPMENT ON 0.48 acres at 9196 West Cheyenne Avenue (APN 138-08-401-030), C-1 (Limited Commercial) Zone, Ward 4 (Brown).

**P.C.: FINAL ACTION (Unless appealed within 10 days)**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

**0**

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

**0**

**RECOMMENDATION:**

Staff recommends DENIAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter
5. Submitted at Meeting – Letter of Support (2) – Wayne Bullaro and Cynthia Greenway

**MOTION:**

**NIGRO – APPROVED subject to conditions and adding the following condition:**

- The island along Fort Apache Road shall be extended based upon the recommendation of the Traffic Engineer.

**– UNANIMOUS**

**This is Final Action**

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open.

FLINN FAGG, Planning and Development, stated that there is an existing retail building on the site. The applicant is requesting to place a restaurant into this building, but it would not meet parking requirements. Therefore, the criteria for granting a Variance have not been met, as staff recommended denial.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 63 – VAR-5668

**MINUTES – Continued:**

GREG GLISS-MEYER, appeared on behalf of Gliss-Foot, LLC, Nevada, and stated that the request is to place a Subway restaurant in the existing 3,675 square foot retail center. The other tenants in the center are Cheyenne Cleaners and It Figures (a fitness center). MR. GLISS-MEYER stated that the subdivision was approved when the property was in the municipality of Clark County. The other two existing businesses were approved then and benefited from a lenient parking requirement. He added that the City has a code for restaurants that delineate restaurants into two categories: fast food and all others. The proposed restaurant's peak hours would be lunchtime, and 80% of the business would be take-out. As a result, there is a low demand on the parking stalls. The other two tenants also have a low demand, with ratios of 1 per 250 and 1 per 200. He added that his business partner, KEN FOOTE, attended a recent neighborhood meeting regarding this application. Fifty members were present, including COUNCILMAN LARRY BROWN. It was their understanding that those present were in support of this variance. MR. GLISS-MEYER submitted letters of support from Cheyenne Cleaners and It Figures.

COMMISSIONER STEINMAN stated that the recent neighborhood meeting was COUNCILMAN LARRY BROWN'S regular Town Hall meeting, and he, too, was present. He pointed out that the meeting was not a formal meeting relative to this application. COMMISSIONER STEINMAN emphasized that this area has a lot of through traffic and his concern was the divider in the middle of Fort Apache Road. The divider goes down beyond the front of the new buildings, so individuals going south on Fort Apache Road pull into a center lane and wait for the opportunity to dash into this lot with oncoming traffic. For the record, he felt that this is a hazard and needed to be addressed by Public Works or the appropriate department. He suggested cutting the divider and allow individuals to legally turn into this lot or extend the divider northward on Fort Apache so no one can come across avoiding a possible head-on collision. He could not support the application with the divider as it is.

COMMISSIONER GOYNES also noted that there is a bus layover point around the corner. MR. GLISS-MEYER informed COMMISSIONER McSWAIN that Timber's is not the property owner. She then asked if Traffic Division could impose a requirement to mitigate this hazard. KEN FOOTE, Gliss-Foote, LLC, agreed with COMMISSIONER STEINMAN'S comments; however, he felt that the existing hazard should be addressed by the City or Traffic Division. COMMISSIONER STEINMAN emphasized that the situation would be even tougher by having the proposed development on the lot, as the customers would now be backing out while others are trying to dash into this with the oncoming traffic.

CHAIRMAN TRUESELL pointed out to MR. FOOTE that his proposed development is part of the subdivision with cross easements with the two neighbors. MR. GLISS-MEYER clarified

that the cross easements are for ingress/egress only and not for parking. CHAIRMAN  
TRUESDALL

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 63 – VAR-5668

**MINUTES – Continued:**

responded that if this is a hazard, he did not feel that the applicant's proposal would make it worse. However, he pointed out that the applicant is the one asking for the waiver. He felt that if a condition were imposed upon the applicant to do their part regarding safety, it would not be a significant hardship for the applicant to comply. MR. GLISS-MEYER stated that should a condition be imposed, they would comply. VICE CHAIRMAN NIGRO asked if there was a Public Works condition that would satisfy this safety hazard. DAVID GUERRA, Public Works, responded that in such cases as this divider where the driveway is limited from right in/right out, the island should be approximately 25 feet away from the north edge of the driveway. From a traffic engineering perspective, individuals making this illegal turn is a problem that should be brought to Metro's attention. When Transportation Division designs roads, it is not assumed that individuals will break the law; an officer should patrol this area and citations should be given when the law is broken. Should the Commission prefer to impose the condition, MR. GUERRA suggested having one that leaves the discretion to the Traffic Engineer whether or not the island/divider is extended.

VICE CHAIRMAN NIGRO added that the applicant should be required to work with staff prior to City Council in determining that would satisfy the concerns stated. MR. GUERRA responded that this application is Final Action. MR. GLISS-MEYER commented that they prefer to see the divider shortened than extended. COMMISSIONER STEINMAN responded that realistically there probably would not be enough support from Metro to monitor this situation and stop it from reoccurring. Concerned that they would misrepresent Traffic Engineer Division, VICE CHAIRMAN NIGRO and DEPUTY CITY ATTORNEY SCOTT both agreed with MR. GUERRA'S comments in leaving the discretion up to Traffic Engineering being that they have the expertise in this area. COMMISSIONER STEINMAN concluded that he would like the condition to stipulate that this problem would be looked at. MR. GUERRA confirmed with the Commission that the condition would include the island along Fort Apache Road be extended at a length based upon the Traffic Engineer. The applicant concurred.

No one appeared in opposition.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(9:46 – 10:02)

**3-1009**

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 63 – VAR-5668

**CONDITION:**

Planning and Development

1. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
2. Acquire all necessary permits from the Department of Building and Safety.
3. Conformance to the Conditions of Approval for Site Development Plan Review SDR-2177.



**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: M. MARGO WHEELER**

☐

**CONSENT**

☒

**DISCUSSION**

**SUBJECT:**

**VAR-5675 - VARIANCE - PUBLIC HEARING - APPLICANT: GUERRERO DIAZ - OWNER: GUERRERO DIAZ AND MARIA DIAZ** – Request for a Variance TO ALLOW A 42-FOOT FRONT SETBACK WHERE 50 FEET IS THE MINIMUM REQUIRED AND A 27-FOOT REAR SETBACK WHERE 35 FEET IS THE MINIMUM REQUIRED on 0.94 acres adjacent to the southeast corner of Leon Avenue and Dorrell Lane (APN 125-24-202-001), R-E (Residence Estates) Zone, Ward 6 (Mack).

**P.C.: FINAL ACTION (Unless appealed within 10 days)**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**RECOMMENDATION:**

Staff recommends DENIAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**McSWAIN – DENIED – UNANIMOUS**

**This is Final Action**

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open.

GARY LEOBOLD, Planning and Development, gave a brief overview of the proposed variance. The applicant proposes to build two homes each with a size of 3,037 square feet. With a depth of 64 feet the homes will not fit on the subject parcel and its proposed two lots with a depth of 134 feet. The remedy of a variance for setbacks only applies to the lot that faces Leon Avenue. By rotating the home on the lot at the intersection of Dorrell Lane and Leon Avenue 90 degrees to its proper frontage, the home would not need a variance for setbacks. Staff felt that there was no evidence of unique or extraordinary circumstance, as the applicant is creating a self-imposed hardship by proposing a floor plan that is too large for the lot. Staff recommended denial.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
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Item 64 – VAR-5675

**MINUTES – Continued:**

MR. LEOBOLD advised the Commission that staff's conditions did not address the subdivision issue, although staff was aware that the applicant had prepared and planned to present survey documents. As a result, he suggested a condition would be added relative to not having two houses on one lot.

JOHN HAMILTON, Hamilton Civil Engineers, appeared on behalf of the applicant, who could not attend due to an emergency. MR. HAMILTON stated although the condition is self-imposed; however, it is congruent with the surrounding development of ranch style homes. There are no residential homes, only vacant land, across the street from Leon Avenue. He used photos to show the property located directly to the east of the proposed property, which is a horse arena, but there should not be any adverse affect from this request.

MR. HAMILTON continued by stating that the applicant desires to have both houses fronting Leon Avenue, as he felt that these two houses would maximize his demand requirements for living space and usability of this site.

COMMISSIONER DAVENPORT noted that the surrounding lots are acre lots. He asked if staff was aware of any other lots that have been split into ½ acre lots. MARGO WHEELER, Planning and Development, responded that the zoning would not be changed. The minimum lot size is 20,000 square feet, and both of the proposed lots would exceed 20,000 square feet. VICE CHAIRMAN NIGRO pointed out that some are ½ acre lots, such as within the cul-de-sac area. He appreciated the owner's desire to have access on Leon Avenue but was not a justification for the Variance. With minor modifications, the Variance could be avoided. MR. HAMILTON responded that if the frontage was off of Dorrell Lane, it would alleviate the Variance request for the corner lot but would still be needed for the southern lot without a modification to the floorplan. Given the lot restrictions, the applicant felt that this was the most optimal configuration for the proposed homes. VICE CHAIRMAN NIGRO responded that one could build a larger home on a ½-acre lot and still meet one's needs, as staff has pointed out that the homes in this area have done the same yet maintained the character of the neighborhood. He reiterated that the application could be modified where a Variance would not be required; furthermore, he was not comfortable with looking at two requested variances, as with some modifications to the application, a variance would not be necessary. He concluded by stating that given the size of the lots on the adjacent properties, it was more appropriate that this lot was consistent as well.

COMMISSIONER McSWAIN agreed with VICE CHAIRMAN NIGRO'S comments. She added that by having the two proposed homes facing Leon Avenue, it would have the appearance of walls in the front which could create a closed in affect to the properties to the south of the proposed homes and on Dorrell Lane. She would not support the application.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
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Item 64 – VAR-5675

**MINUTES – Continued:**

No one appeared in opposition.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(10:06 – 10:14)

**3-1742**

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR:** M. MARGO WHEELER ☐ **CONSENT** ☒ **DISCUSSION**

**SUBJECT:**

**VAR-5676 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: JAMES V. KOHL** - Request for a Variance TO ALLOW A 95-FOOT WIDE LOT WHERE 100 FEET IS THE MINIMUM REQUIRED FOR A PROPOSED RESIDENTIAL LOT on a portion of 2.03 acres at the northwest corner of Four Views Street and Ruston Road (APN 125-05-602-007), R-E (Residence Estates) Zone, Ward 6 (Mack).

**P.C.: FINAL ACTION (Unless appealed within 10 days)**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

**0**

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

**0**

**RECOMMENDATION:**

Staff recommends DENIAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter
5. Submitted at Meeting – Neighborhood Petition with 10 signatures

**MOTION:**

**NIGRO – APPROVED subject to condition – Motion carried with GOYNES voting NO**

**This is Final Action**

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open.

GARY LEOBOLD, Planning and Development, stated that the request for a Variance to allow a 95-foot wide lot where 100 feet is required on 2.03 acres. The applicant intends to split this parcel into four pieces and build houses for himself, parents, sister, and friend. It is believed that any other configuration would cause financial and other hardship. The applicant's request appears to be similar to other approved developments in the nearby vicinity, which were granted variances of minimum lot width standards. The applicant felt that the proposal would maintain the character of the neighborhood. However, the variance approved for nearby properties is not

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
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Item 65 – VAR-5676

**MINUTES – Continued:**

the same Variance as described in the above justification. Those variances were granted for those properties only, based on the specific circumstances affecting that property. The City's granting of one variance to an applicant does not confer entitlement to a separate Variance on another property. Moreover, the applicant cites financial hardship as a justification for this Variance. Nevada State statutes and City code specifically prohibits the granting of a Variance based solely on a plea of financial hardship.

MR. LEOBOLD pointed out that the conventional approach is to have four square lots around a cul-de-sac. Given half-street improvements, the 20,000 square foot minimum per lot cannot be met. In an R-E (Residence Estates) zone, the cul-de-sac is not counted towards the lot area. As a result, the applicant is proposing to divide three lots off one of the streets and the remaining lot on the other street. MR. LEOBOLD also pointed out on the Site Plan a building that appeared to be a well structure. Staff had spoken with the surveying company and was advised that it is not being utilized as a community well. In conclusion, staff recommended denial.

GLENN DAVIS, 6345 S. Jones Boulevard, appeared on behalf of the applicant. He showed two parcel maps with diagrams of adjacent properties to the north and within 600 feet northeast of the proposed site, which have layouts consistent with the proposal. He emphasized that the lots on these two parcel maps are not 100 feet wide and have variances as well. The applicant is requesting that one of the proposed lots have a variance for the width and not all four proposed lots on the subject parcel. He then confirmed for CHAIRMAN TRUESDELL that the applicant concurred with staff's condition.

SABRINA ODSGAARD, 9990 N. El Capitan Way, resides adjacent on the southwest corner of the proposed lot. She added that most of the lots have large homes with open area and is located near Floyd Lamb State Park. Some of the residents have horse property and ride their horses in this area. MR. DAVIS verified for her that at one time the applicant owned a parcel north of the proposed lot but has been sold. MS. ODSGAARD then submitted a petition with signatures of residents who oppose the proposed project.

DAVE JURETT, 8750 Ruston Road, pointed out that the layout shown on the overhead is not of three lots but one lot. He purchased his home in this area because of the rural character. The subject lot was a two-acre lot with a well on it, and the intent was to have two homes. He felt that the applicant's intention was to build as many homes on the subject lot for personal gain. There is a four-acre lot on the east side of Four Views Street between Ruston Road and Log Cabin Way. Should the requested variance be approved, he felt that it would be inevitable that the same would happen to that lot and end up having a housing track in their neighborhood. He requested that the Code requirement remain the same at 100 feet and not allow the variance.

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Item 65 – VAR-5676

**MINUTES – Continued:**

MARY ELIZABETH DIXON, 9990 Four Views Street, resides directly across from the subject property. She shared the same concerns as the previous comments made by residents.

DAN MARKS, 10216 Four Views Street, resides one lot north from the subject property. He would like to see a development on the subject parcel that is consistent with the existing development. He noted that the adjacent property to his property did receive a previous Variance approval for 98 feet. He is concerned that future applicants would continue to request smaller lot size variances and eventually end up having track homes within this neighborhood.

VICTOR MACIAS, 8707 Rocky Road, resides on a lot north of the adjacent property, agreed with MR. MARKS' comments. He explained to CHAIRMAN TRUESDELL that he was advised that the developer was no longer developing ½ acres so he was fortunate to purchase one of the acre lots.

COMMISSIONER STEINMAN asked the applicant to explain one of his statements in his justification letter to staff regarding financial hardship. JAMES KOHL showed photos to explain why he felt any other configuration would cause financial hardship. He stated that of the proposed four lots, he would like to build his home on Lot 3, his sister on Lot 2, his parents on Lot 4, and a family friend on Lot 1. All parties involved have made financial obligations in having four lots on this proposed development; if the four lots are not approved, the property value would lessen. COMMISSIONER STEINMAN replied that there would have to be some physical characteristics that caused the requested variance and financial reasons would not suffice. MR. KOKL added that he would like to keep his family together, including the family friend. Furthermore, he pointed out that there are two additional parcels within one block of the subject parcel that are identical. MR. DAVIS added that this portion of the northwest area has had a boundary line adjustment, under the direction of the city and county surveyors. As a result of the overall boundary line adjustment, there is now a lack of property northward/southward, approximately eight to nine feet decrease. COMMISSIONER STEINMAN confirmed with MR. DAVIS that the subject parcel could be divided into three parcels without a variance. MR. DAVIS responded that the proposed lots would all be over 20,000 square feet, but the only request is to deviate from the minimum lot width of only five feet.

VICE CHAIRMAN NIGRO appreciated the residents' desire to protect their community, as he felt the Commission has been consistent in doing so in the past. He referenced a previous item heard at this meeting where the Commission denied the application because it was not consistent in an area similar to this subject parcel. However, he found it disturbing and unfair that residents in this area opposed the application, yet some of them have variances on their lots as well. In particular, there are two areas within walking distance that have the same type of variance request. He believed the community, as it is now, exist well together. He referenced one of the

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
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Item 65 – VAR-5676

**MINUTES – Continued:**

lots that have a five-foot variance and is approximately 9,000 square feet larger than the adjacent properties. His opinion is that the requested five-feet variance was not significant enough to deny this application. The mitigating factor is that an almost 30,000 square foot lot would be developed. He respectfully disagreed with the residents regarding the additional fourth lot and did not believe it would diminish the area and stated he would support the application.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(10:14 – 10:31)

**3-2072**

**CONDITION:**

Planning and Development

1. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: M. MARGO WHEELER**

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**CONSENT**

☒

**DISCUSSION**

**SUBJECT:**

**SUP-5663 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: CLUB RENAISSANCE PARTNERS, LLC - OWNERS: CLUB RENAISSANCE PARTNERS, LLC, ET AL** - Request for a Special Use Permit TO ALLOW A PROPOSED MIXED-USE COMMERCIAL AND RESIDENTIAL DEVELOPMENT adjacent to the southeast corner of Casino Center Boulevard and Bonneville Avenue (APN 139-34-311-058 through -065), C-2 (General Commercial) Zone and R-4 (High Density Residential) Zone under Resolution of Intent to C-2 (General Commercial), Ward 1 (Moncrief).

**C.C.: 02/16/05 - IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**RECOMMENDATION:**

Staff recommends APPROVAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**EVANS – APPROVED subject to conditions – UNANIMOUS**

**To be heard by the City Council on 2/16/2005**

NOTE: Chairman Truesdell disclosed that he owned property in the Downtown area that is not within the Notification area, so he would be voting on this item.

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 66 [SUP-5663] and Item 67 [SDR-5662].

FLINN FAGG, Planning and Development, stated that the Special Use Permit request is to allow mixed-use development on the subject parcel. The proposed development complied with the applicable conditions for mixed-use development. Staff recommended approval.



PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 66 – SUP-5663

**MINUTES – Continued:**

Regarding the Site Development Plan Review, the request would allow the development of a 60-story mixed-use structure with 950 residential units and 91,000 square feet of commercial space, 1,410 parking spaces within the structure. The project requires waivers from the Centennial Plan, but staff found that the waivers are consistent with the goals and objectives of the Downtown Centennial Plan. Staff recommended approval.

GREG BORGAL, 300 S. 4<sup>th</sup> Street, appeared on behalf of the applicant and accepted staff's conditions. MR. BORGAL pointed out that the proposed project does not comply with the stepback, not setback, provision of the Code at the 4<sup>th</sup>, 11<sup>th</sup> and 18<sup>th</sup> floor of the proposed project. The purpose of this requirement is to create building articulation and not end up with a solid wall along the street. The proposed building has more than adequate articulation, and the purpose of the stepback requirement has been achieved, although not strictly complied. In addition, MR. BORGAL commented on the requirement to build the structure out to the property line. He stated that this requirement would be a conflict in providing the landscape and sidewalk amenity zone that is also called for in the Downtown Centennial Plan. To resolve this conflict, the applicant provided more setbacks for the amenity zone. In addition, he added that many of the individuals involved in this project were involved in the Manhattan Project on Las Vegas Boulevard South and the County. This project consisted of 690 units with similar price points as the proposed project, and there were 13,000 requested reservations for these 690 units.

MR. BORGAL concluded by stating there is a sign on the subject parcel indicating website and contact information for interested parties. There are currently 900 reservations for the proposed 950 units. They are convinced that there is a market for this type of project and appreciated staff's favorable recommendation.

Although one was not available, COMMISSIONER STEINMAN expressed the importance of a Traffic Study that would show the flow of traffic for this proposed project. MR. BORGAL informed the Commissioner that a Traffic Study was submitted but had not been approved yet. He then addressed the flow of traffic by stating that the proposed project would have three street frontages and an alley frontage. The building frontage is on Casino Center Boulevard, and there is a facility for a drop-off point on this street. The principal access is on Bonneville Avenue to a combined underground and above ground parking structure. There is a secondary access to underground parking off the alley on Garces Avenue. In essence, the primary traffic flow would run off Bonneville Avenue, even though the building faces Casino Center Boulevard. He confirmed for COMMISSIONER STEINMAN that individuals exiting the proposed structure, they do so on Bonneville Avenue making a left or right turn. In addition, individuals using the underground parking facility would use Garces Avenue, even though the alley would provide access going in either direction. COMMISSIONER STEINMAN then asked Public Works to confirm if the access on Bonneville Avenue was an acceptable distance from the corner of

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 66 – SUP-5663

**MINUTES – Continued:**

Casino Center Boulevard and Bonneville Avenue. Although subject to changing, MR. BORGAL informed the Commissioner that the price points would be approximately \$150,000 for a single bedroom or efficiency unit. The upper end of the standard unit at the top of the proposed project would be approximately \$450,000, and the penthouse units could go up to one million dollars. He emphasized that the idea is affordability, and the Commissioner appreciated the affordability aspect for the working people.

COMMISSIONER McSWAIN complimented the applicant on a beautiful project. Given similar and upcoming projects within the City, she wondered how the City is prepared to handle the sites that are needed to erect structures such as the proposed project. She also asked MR. BORGAL if he would be attending an upcoming Planning Commission workshop on January 20<sup>th</sup> at 11:30 a.m. at the Development Services Center, as he is a common denominator on these types of projects. MR. BORGAL confirmed he would attend.

COMMISSIONER GOYNES concurred with COMMISSIONER McSWAIN'S comments, as there could be other businesses in the area that would be impacted during construction of such projects. MR. BORGAL responded that construction traffic would always be a problem in an area that is fully developed. However, the developer is aware of having efficient flow of people and materials, so he would time it where the trucks are not arriving and leaving during normal commuting hours at 8 a.m. and 5 p.m. on Bonneville Avenue and Casino Center Boulevard. He added that there are some lots available toward Main Street that are available as mustering areas and parking areas, which other developers have used during their construction process, such as the construction of the judicial building.

MR. FAGG informed the Commission that Condition 21 on Item 67 [SDR-5662] needed to be revised. He then read the revision into the record. MR. BORGAL concurred with the revised condition.

DAVID GUERRA, Public Works, apologized for the delay then addressed COMMISSIONER STEINMAN'S question regarding the Traffic Study. MR. GUERRA stated that the standard addressing the distances between the driveway and Casino Center Boulevard is #222A. With this drawing and the scale the applicant provided, it appeared that the driveway exceeded the #222A standard.

No one appeared in opposition.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 66 [SUP-5663] and Item 67 [SDR-5662].

(10:31 – 10:46)  
**3-2899**

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 66 – SUP-5663

**CONDITIONS:**

Planning and Development

1. Conformance to all minimum requirements listed in Title 19.04.050 for Mixed-Use development.
2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-5662).
3. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
4. All City Code requirements and design standards of all City departments must be satisfied.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR:** M. MARGO WHEELER ☐ **CONSENT** ☒ **DISCUSSION**

**SUBJECT:**

**SDR-5662 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT: CLUB RENAISSANCE PARTNERS, LLC - OWNER: CLUB RENAISSANCE PARTNERS, LLC, ET AL - Request for a Site Development Plan Review TO ALLOW A 60-STORY MIXED-USE DEVELOPMENT TO INCLUDE 950 RESIDENTIAL UNITS AND 91,000 SQUARE FEET OF COMMERCIAL SPACE AND WAIVERS OF THE CENTENNIAL PLAN BUILDING STEP-BACK AND BUILD-TO REQUIREMENTS on 1.28 acres adjacent to the southeast corner of Casino Center Boulevard and Bonneville Avenue (APN 139-34-311-058 through -065) C-2 (General Commercial) Zone and R-4 (High Density Residential) Zone under Resolution of Intent to C-2 (General Commercial) Zone, Ward 1 (Moncrief).**

**C.C. 2/16/05**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**RECOMMENDATION:**

Staff recommends APPROVAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**EVANS – APPROVED** subject to conditions and amending the following condition:

21. Meet with the *Clark County School District* to discuss *the impact this site has on the district schools and to identify possible methods to mitigate the impacts.*

– UNANIMOUS

**To be heard by the City Council on 2/16/2005**

NOTE: Chairman Truesdell disclosed that he owned property in the Downtown area that is not within the Notification area, so he would be voting on this item.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 67 – SDR-5662

**MINUTES:**

See Item 66 [SUP-5663] for all related discussion on Item 66 [SUP-5663] and Item 67 [SDR-5662].  
(10:31 – 10:46)  
**3-2899**

**CONDITIONS:**

Planning and Development

1. A Special Use Permit (SUP-5663) to allow Mixed-Use development approved by the City Council.
2. This Site Development Plan Review shall expire two years from the date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
3. All development shall be in conformance with the site plan and building elevations, date stamped 11/24/04, except as amended by conditions herein.
4. The Waiver from the Downtown Centennial Plan building stepback requirement is hereby approved, based on the proposed façade articulation and massing of the structure.
5. The Waiver from the Downtown Centennial Plan build-to requirement is hereby approved, in order to allow sufficient area for the public sidewalks.
6. The landscape plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to include an additional street tree on Garces Avenue in conformance to the Downtown Centennial Plan. All other streetscape treatments shall conform to the requirements of the Downtown Centennial Plan.
7. The landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.
8. The applicant shall provide and install standard Fourth Street style fixtures in place of existing fixtures in accordance with Subsection DS3.1.k of the Downtown Centennial Plan. Exact specifications, shop drawings, and standard suppliers can be obtained from the City of Las Vegas Engineering Design Superintendent, Department of Public Works, 229-6272.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 67 – SDR-5662

**CONDITIONS – Continued:**

9. Any new utility or power service line provided to the parcel shall be placed underground from the property line to the point of on-site connection or on-site service panel location, in accordance with Subsection DS2.1.f of the Downtown Centennial Plan.
10. Utilities and power service lines in alleys shall be located underground in accordance with Subsection DS2.1.f. of the Downtown Centennial Plan. In addition, the surfacing of the alley shall conform to the Alleyway Treatment, as described in Subsection DS2.1.g, and as depicted in Graphic 4 of the Downtown Centennial Plan.
11. All mechanical equipment, air conditioners and trash areas shall be fully screened from street level and surrounding building views in accordance with Subsection DS5.1.j of the Downtown Centennial Plan. Service areas shall be screened from pedestrian or street view, utilizing landscaping and/or architectural elements that are consistent with the design and materials of the primary building.
12. Prior to the submittal of a building permit, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
13. As per the Memorandum of Understanding between Casino Center Development, LLC (or Leonard Messina) and the LV Springs Preserve, the following cottages will need to be moved as a condition of approval:
  - a. 601 S. Casino Center
  - b. 609 S. Casino Center
  - c. 621 S. Casino Center

Also as a condition of approval, the following cottages shall be dismantled for usable parts in the restoration of 601, 609, and 621 S. Casino Center, and 604 S. Fourth Street:

- a. 605 S. Casino Center
- b. 617 S. Casino Center

All work is to be supervised by Gregory Seymour, archeologist from the LV Springs Preserve.

14. All City Code requirements and design standards of all City departments must be satisfied.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
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Item 67 – SDR-5662

**CONDITIONS - Continued:**

Public Works

15. Dedicate a 10 foot radius on the southeast corner of Bonneville Avenue and Casino Center Boulevard and a 10 foot radius on the northeast corner of Garces Avenue and Casino Center Boulevard prior to the issuance of any permits.
16. Coordinate with Design Section of the City Engineer's Office to ensure the proposed plan does not conflict with the proposed Bonneville/Clark Couplet.
17. Coordinate with the City Surveyor to determine whether a Reversionary Map or other Map is necessary; if such a Map is required, it should record prior to the issuance of any permits for this site.
18. Grant a Traffic Signal Chord Easement at the southeast corner of Bonneville Avenue and Casino Center Boulevard.
19. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current Las Vegas Downtown Centennial Plan Standards concurrent with development of this site. All new or modifications to existing driveways shall be designed, located and constructed in accordance with Standard Drawing #222A.
20. If not already constructed, the developer of this site must enter into a sewer refunding agreement that provides the full reimbursement cost for construction of the Clark Avenue sewer between Las Vegas Boulevard and Fourteenth Street. Connection to the existing 24 inch sewer in Clark Avenue and the improvements of the Clark Avenue sewer between Las Vegas Boulevard and Fourteenth Street is required prior to occupancy of this site, unless otherwise allowed by the City Engineer.
21. Meet with the School Site Coordinator from the Traffic Engineer's Office to discuss proposed plans for parent dropoff/pickup procedures and to discuss Suggested Route to School needs prior to occupancy of this site.
22. Landscape and maintain all unimproved rights-of-way adjacent to this site.
23. Submit an Encroachment Agreement for all landscaping and private improvements, located within or over the public rights-of-way adjacent to this site prior to occupancy of this site.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 67 – SDR-5662

**CONDITIONS - Continued:**

24. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways as recommended.
25. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.
26. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first.



**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: M. MARGO WHEELER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**SUP-5684 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: JACK IN THE BOX - OWNER: PPLAND LIMITED PARTNERSHIP** - Request for a Special Use Permit FOR A PROPOSED RESTAURANT WITH DRIVE-THROUGH AND A WAIVER OF THE TOWN CENTER DEVELOPMENT STANDARDS adjacent to the northwest corner of Farm Road and Durango Drive (APN 125-17-601-011), T-C (Town Center) Zone [SC-TC (Service Commercial - Town Center) Special Land Use Designation], Ward 6 (Mack).

**C.C.: 02/16/05 - IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>1</b>

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**RECOMMENDATION:**

Staff recommends APPROVAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter
5. Submitted at Meeting – Protest Petition by Donna Samatulski

**MOTION:**

**EVANS – DENIED – UNANIMOUS**

This is Final Action

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 68 [SUP-5684] and Item 69 [SDR-5681].

FLINN FAGG, Planning and Development Department, explained that approval of the Special Use Permit would allow a drive thru restaurant on the subject site. Staff recommended approval of this item; however, a condition has been set regarding the hours of operation for the drive thru window and also the orientation of the menu board and speaker for that drive thru. The companion item for a Site Development Plan Review was in conformance with a previous Master Site Plan that was approved for the parcel.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 68 – SUP-5684

**MINUTES – Continued:**

DAVE WARD, Jack in the Box, 100 North Barranca Avenue, appeared and agreed with all conditions. He stated the speaker board would face traffic, not the residential area and he offered to answer any questions. He appeared with SEENA HYDE, Hyde Consulting, 11654 Veneto.

DONNA SAMATULSKI, 8580 Blowing Pines Drive, stated her subdivision is the residential area that is directly behind the proposed drive thru. She submitted a petition protesting this development because of the environmental impact of the drive thru, the hours of operation, noise and bright lights. MS. SAMATULSKI stated that the residents did not want a fast food drive thru in the back yard.

SUSIE BALAZ, 8589 Blowing Pines Drive, stated she did not want a Jack in the Box in her backyard. She was concerned about opening her windows and having the odors from the restaurant come into her home where her children can smell it. Other concerns include noise from the drive thru keeping her family awake at night, additional traffic and construction issues. MS. BALAZ stated that the construction noise from the Walgreens being constructed was horrible. A wall promised by Walgreens was never built as promised. It should have been an eight-foot wall and being 5' 2", MS. BALAZ can look right over the wall. She showed photos of the wall. There is no privacy and the wall keeps nothing out. MS. BALAZ said that she actually had asphalt thrown into her back yard during the construction of the Walgreens. Not long ago, she was in her back yard one morning and construction workers were looking over the fence into her yard. The fence would not stop a car coming through or over it.

MS. BALAZ questioned the purpose of a Master Plan if it is not to be followed. She requested the board deny this application so families can be raised and senior residents can have peace and quiet.

VICTOR GALLEGOS, 8541 Blowing Pines Drive, told the Commission that this was not the proper site for a Jack in the Box. He has lived in the area for four years and has to pick up trash from the Albertsons and McDonalds that blows across the street everyday. His dream house is quickly becoming a nightmare.

SHIRLEY BORO, 8585 Blowing Pines Drive, said that many people are considering just moving out of the area. Her home was supposed to be a retirement home for her and her husband and the addition of the Jack in the Box would ruin the tranquility of her backyard. She voiced concerns over the smells, noise and traffic. She reminded everyone that when the Walgreens was being considered, the Mayor asked for assurances that a tall wall would separate the homes from the shopping center, it was never done. She stated that there are five vacant homes on that side of the street at this time and the number would only grow.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 68 – SUP-5684

**MINUTES – Continued:**

JOE BORO, 8585 Blowing Pines Drive, concurred with his wife's comments. He said that he did not think any of the Commissioners would like a Jack in the Box 50 feet away from their backyard. He voiced his displeasure and frustration over the Walgreens wall and stated that he had given up on that fight. MR. BORO said that on one area of the wall, a three year old could climb the wall and fall into someone's backyard. Then the homeowner could be sued. He also pointed out that the block wall is not a retaining wall but about two feet of dirt was placed at the foot of the wall when the lot was leveled. He asked for denial of the item.

MR. WARD was very surprised at the concern voiced by the residents and said he did not usually encounter opposition over a new location. Regarding the comments made about the wall, MR. WARD thought the wall was the proper height but did acknowledge dirt has been placed against it to make it seem shorter from the Jack in the Box side. Regarding the speaker board, he reiterated the board would face traffic and face away from the residential area. He also pointed out that there would be a lot of landscaping between the drive thru lane and the wall to buffer out noise. MR. WARD also indicated that it was his understanding the area was previously zoned and approved for a drive thru in the proposed area. CHAIRMAN TRUESDELL stated that it was his recollection that the Planning Commission denied that application; however, it could have been approved by City Council.

COMMISSIONER McSWAIN stated that she does not typically support any type of commercial development when it abuts residential property as this application proposed. She felt the use was incompatible with residential. At her new residence, COMMISSIONER McSWAIN has a McDonalds nearby and she walks by it several times a week. From that experience, she could confirm the smell can be intense at times. The Commissioner also wondered about the effects the trash could have on adjacent residential. She was distressed that any type of approval may have been received for a drive thru at this location.

COMMISSIONER GOYNES asked if the only buffer between the commercial and the residential was the wall shown in the photos. MR. WARD stated it was the only buffer at this time but that Jack in the Box would have to install trees and landscaping during construction. The Commissioner asked what the measurement would be between the wall and the actual drive thru. MR. FAGG replied that there would be an eight-foot landscape buffer adjacent to the wall and then the drive thru lane and the building. COMMISSIONER STEINMAN said it would be 45 feet according to the plan in the backup.

COMMISSIONER GOYNES found the site inappropriate for the restaurant. He discussed concerns about staging the cars for the drive thru after hours. During peak, weekend times, there could be a range of customers stacked there trying to get a burger. MR. WARD reminded him

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 68 – SUP-5684

**MINUTES – Continued:**

that one of the conditions of approval pertained to the hours of operation for the drive thru and confirmed the restaurant would not be a 24-hour operation. COMMISSIONER GOYNES then asked about decibels of noise associated with a drive thru speaker. He could not support the item.

COMMISSIONER STEINMAN agreed. He could not understand why Jack in the Box thought this would be a good site for their restaurant. This site is difficult, it is parking challenged, the trash enclosure is in front of the building, the grease trap is in the parking lot and anyone who wants to go there would have to walk across several lanes of traffic to get into the building. He thought that having idling cars 40 to 50 feet from someone's bedroom made no sense. The noise at night from a drive thru can be very disconcerting and he would not support the item.

COMMISSIONER EVANS concurred with many of the comments made by the other Commissioners. He said that he respected the views of the neighbors and like them, would not want a Jack in the Box in his backyard. He acknowledged that some people could find the smell offensive and the proximity of the neighborhood is too close. The Commissioner could not find the project harmonious and compatible with the area. COMMISSIONER EVANS said that he did frequent Jack in the Box and enjoyed their food but would not be able to support his item after hearing the testimony of the adjacent residents.

CHAIRMAN TRUESDELL stated that this is a unique corner. If the Walgreens would have adhered to the Town Center Standards and oriented itself against the street, away from the residents, as the Standards were designed, there would not be an issue because this pad would have been significantly farther away from the homes. The developer created the problem with Walgreens and it has mushroomed to affect everything else on the site. He said that whether the use is deemed appropriate or not, the only way to fit is up against the homes.

The Chairman pointed out that during winter hours, the drive thru lights would shine into the resident's backyards as the cars make the radius into the drive thru. MR. WARD indicated that would not be a problem because the fence would block it. CHAIRMAN TRUESDELL informed him that the wall, as is, would not block that and the wall would have to be raised or the pad would have to be lowered. He explained that the dirt against the wall is part of the leveling of the site that Walgreens did.

CHAIRMAN TRUESDELL suggested that placing the Jack in the Box on the other side of the Walgreens would have made more sense. CHAIRMAN TRUESDELL said the Commission was concerned about the requests Walgreens had made and how they deviated from the Town Center Standards. He agreed with the neighbors that the project against the wall creates a problem. He

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
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Item 68 – SUP-5684

**MINUTES – Continued:**

also noted that drivers entering the lot from Durango to the south would have to do a 180-degree turn within 10 feet of entering the property and that is a safety issue. The Chairman concluded by saying he had no problems with the type of restaurant or their food, it was a matter of technical issues that were created by Walgreens setting the threshold for the site.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 68 [SUP-5684] and Item 69 [SDR-5681].

(10:45 – 11:08)

**4-46**

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: M. MARGO WHEELER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**SDR-5681 - SITE DEVELOPMENT PLAN REVIEW RELATED TO SUP-5684 - PUBLIC HEARING - APPLICANT: JACK IN THE BOX - OWNER: PPLAND LIMITED PARTNERSHIP** - Request for a Site Development Plan Review FOR A PROPOSED RESTAURANT WITH DRIVE-THROUGH on 0.76 acres adjacent to the northwest corner of Farm Road and Durango Drive (APN 125-17-601-011), T-C (Town Center) Zone [SC-TC (Service Commercial - Town Center) Special Land Use Designation], Ward 6 (Mack).

**C.C. 2/16/05**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**RECOMMENDATION:**

Staff recommends APPROVAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**EVANS – DENIED – UNANIMOUS**

This is Final Action

**MINUTES:**

See Item 68 [SUP-5684] for related discussion on Item 68 [SUP-5684] and Item 69 [SDR-5681].

(10:45 – 11:08)

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: M. MARGO WHEELER**

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**CONSENT**

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**DISCUSSION**

**SUBJECT:**

**SUP-5686 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: CITYMARK DEVELOPMENT LLC - OWNER: OFFICE DISTRICT PARKING 1, INC. - Request for a Special Use Permit TO ALLOW A PROPOSED MIXED-USE COMMERCIAL AND RESIDENTIAL DEVELOPMENT AND A WAIVER TO ALLOW GROUND-FLOOR RESIDENTIAL UNITS adjacent to the northeast corner of Garces Avenue and Third Street (APN 139-34-311-095 to -102 & -105 to -110), C-2 (General Commercial) Zone, Ward 1 (Moncrief).**

**C.C.: 02/16/05 - IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

<b>0</b>

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

<b>0</b>

**RECOMMENDATION:**

Staff recommends APPROVAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter
5. Submitted at meeting – Two Letters of Support submitted by Marilyn Moran
6. Submitted at meeting – Correspondence from Moran & Associates to Citymark by Ed Garcia

**MOTION:**

**EVANS – APPROVED subject to conditions – UNANIMOUS**

**To be heard by City Council 3/2/2005**

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open on Item 70 [SUP-5686], Item 71 [SUP-5690] and Item 72 [SDR-5692].

FLINN FAGG, Planning and Development Department, explained that the request for the Special Use Permit is to allow mixed-use development on the site. The applicant has requested a waiver to allow ground floor residential units. Based on the way the units are designed and oriented to the streets, staff found the design of the building to be consistent with the Centennial Plan and recommended approval.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 70 – SUP-5686

**MINUTES – Continued:**

Regarding the Special Use Permit to allow 13 live/work units as part of the development, MR. FAGG stated that staff found the design of those units did comply with the minimum conditions listed in Title 19.06 for live/work units.

MR. FAGG explained that Item 72 [SDR-5692] would allow a total of 342 residential units, including the 13 live/work units and 8,600 square feet of commercial space. The applicant proposes a total of 553 parking spaces in an internal parking structure and 280 of those spaces would be in a tandem configuration. Waivers were being requested from the Centennial Plan requirements for building setbacks and “build to” requirements. Staff found the overall design of the project to be in compliance with the goals and objectives of the Centennial Plan and recommended approval. He concluded by informing the Commission that a condition needs to be added to Item 72 [SDR-5692], if the Commission approves the application. That condition pertained to meeting with the Clark County School District to determine the impact the project could have on the district schools. MR. FAGG also noted that instead of this item going forward to the City Council meeting on 2/16/2005, the applicant is requesting the item be heard at the 3/02/2005 meeting because the applicant will be out of town.

ED GARCIA, Attorney, Jones Vargas, 3773 Howard Hughes Parkway, appeared on behalf of the applicant with RICH GUSTAFSON and ALEX BEATON from Citymark Development and TONY CUTRI, the architect on the project. He agreed with all conditions, including the added condition, and requested approval. MR. GARCIA referenced a letter that was previously submitted by a neighboring property owner regarding some additional conditions that owner wanted imposed upon this project. He stated that the applicant agreed to those conditions for the most part; however, he was unsure about how to handle having the conditions added to those imposed by staff. MR. GARCIA also stated that he wanted to include some additional conditions that were requested some time ago, prior to the project being approved with the DDA with the City. He wrote a letter to the neighboring property owner, MR. MORAN, which detailed the additional conditions and submitted a copy to the City Clerk. He also read the following additional conditions into the record that he wanted included in the approval of the items.

1. The portion of the project immediately to the west of MR. MORAN’S property, shall not exceed six stories.
2. The structure immediately to the west of the MORAN’S office would be constructed with color façade compatible with their office building.



PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
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Item 70 – SUP-5686

**MINUTES – Continued:**

3. Prior to breaking ground, the structure to the north of the MORAN'S law office would be removed. In its place, there would be a brick wall, which partially exists, that will be completed to the street entrance on 4<sup>th</sup> Street.
4. Any and all exterior landscaping at the street level would be mature trees and shrubs and the greenbelt shall extend behind MR. MORAN'S building along the exterior walls.
5. The applicant is to make reasonable efforts to prevent construction workers from parking on the available street parking.
6. Any and all ingress/egress from Garces onto the project would be buffered as much as possible and commercial vehicles would be restricted from access with the exception of waste management and emergency vehicles.
7. The applicant will submit and receive approval of a Traffic Study.
8. The applicant will receive Fire Department approval of all emergency accesses.
9. The applicant acknowledges that the MORAN'S are not responsible for any off-site or on-site improvements nor the relocation of any utilities, which are necessitated by the project.

MR. GARCIA then asked that MR. GUSTAFSON be allowed a few minutes to describe the project.

RICH GUSTAFSON stated that his company is based in San Diego and is a development firm that specializes in urban infill development and revitalization. The firm has completed various developments in downtown San Diego and is considered the pioneers in the revitalization effort there. In two of the last three years, his firm has won best-attached project awards in that area. He said that this project is subject to a DDA that the Mayor and Council approved previously. Prior to selecting Citymark, Mayoral staff and one of the Council members visited San Diego and toured some projects there to get an idea of the quality of work Citymark could provide.

MR. GUSTAFSON said his company is proud and excited about this opportunity and hopes that this development will benefit Las Vegas the way their San Diego projects have enhanced that community. He was happy that there was another approved development two parcels down from the subject site. He thanked MR. FAGG for his help and support in understanding the process of the City of Las Vegas and asked that the Commission give a few minutes to hear from MR. CUTRI.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
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Item 70 – SUP-5686

**MINUTES – Continued:**

TONY CUTRI, project architect, 750 B Street, San Diego, showed the most recent drawings to the Commission. He described the project as a high-density, mixed-use, pedestrian friendly project that focuses on street edges. The firm believes that it fit into the plans the City has for redevelopment of the downtown area. MR. CUTRE explained the facades were designed to respond to the conditions of the street. Bonneville Avenue is very different from 4<sup>th</sup> Street and 3<sup>rd</sup> Street and Garces Avenue is different from all the others. While showing various elevations and the roof deck of the project, he described the architecture as modern, progressive and urban. MR. CUTRE also showed some floor plans and the streetscape. He pointed out that the units encapsulate the parking so there are no blank walls or exposed parking on the exterior.

MARILYN MORAN, 630 South 4<sup>th</sup> Street, appeared in support of the project and submitted two letters to the City Clerk for the record. She said that her, and her husband John, have met with the representatives of the project and agree on all areas covered by the submitted letters. She stated that they enjoyed working with the applicant and welcomed them into the neighborhood. The MORAN'S felt responsible for the project moving forward because of the land vacation they agreed to and the fact that they sold Citymark the property. MS. MORAN thought this would be a nice start to the downtown revitalization process.

COMMISSIONER DAVENPORT asked about how the sewer line in Bonneville Avenue could handle the capacity of this project. MARGO WHEELER, Director, Planning & Development Department, explained that her department is working with the City Manager's Office and Public Works to determine any necessary upgrades to the capacity of the utilities downtown. It is under review. COMMISSIONER DAVENPORT stated that the project at Alta Drive and Martin Luther King Boulevard was conditioned about sewer capacity and he asked if this project should be as well. MS. WHELLER replied that in that instance, the capacity deficiency was known and therefore a specific condition was applied. That situation did not apply to this site.

COMMISSIONER GOYNES stated he was concerned with construction traffic and staging because 4<sup>th</sup> Street is a one-way street, Garces Avenue is very narrow and Bonneville Avenue takes the brunt of the east/west traffic downtown. He also asked what the timetable was for the project to be completed and whether or not it would be completed in phases. MR. GUSTAFSON said that for financing purposes it would be phased. Phase One would take 18 months and if sales are successful, the applicant would begin Phase II before Phase One was completed so that they would overlap. The total time period for completion of both phases would be approximately 30 months. MR. GUSTAFSON said that his company is very familiar with traffic issues because of their work in San Diego. He stated that there is no magic solution for the problem but by using just-in-time deliveries materials are not stacked on-site.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
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Item 70 – SUP-5686

**MINUTES – Continued:**

COMMISSIONER GOYNES wanted to make sure that if it did become a problem, the applicant was willing to work with the surrounding neighbors to minimize negative impact. He was concerned about inconveniencing people like the MORAN'S who the City begged to stay downtown with their businesses. The Commissioner did not want their businesses to be impacted. He also wondered what would happen if the surrounding neighbors decided to change the use of their properties. He asked if the applicant would protest neighbors building vertical. MR. GUSTAFSON said that the applicant would not because that would be the rights of the property owners.

MR. GARCIA added that the applicant has had discussions with the MORAN'S regarding traffic issues and the applicant will work with them as the project moves forward.

COMMISSIONER STEINMAN noted that within a one-hour time frame, the Commission considered approximately 1,300 new units downtown. He stated that all of that development would have a traffic impact. The Commissioner felt he should have the benefit of a Traffic Study when trying to make a determination on these large projects. People who are familiar with the downtown area have told him that it is already very crowded and these vertical developments will add to that congestion. He asked how the traffic would flow around the project, how the tandem parking spaces would work and also about the price points for the development.

MR. CUTRI replied that the ingress and egress to the project would be off of Garces Avenue. The access point would enter an above grade garage, which is encapsulated. 100 percent of the traffic would come in and go out of that point. There are 340 units in the development and the parking is calculated roughly at one space per bedroom. There is some surface parking provided for the retail component of the project as well. There are two drop off points for the development, one on 3<sup>rd</sup> Street and the other on Bonneville Avenue and there will be lobbies at both locations. MR. CUTRI explained that tandem parking is done in most of the company's urban projects. It works because the tandem spaces are assigned to the two-bedroom units. The space is shared within one household.

COMMISSIONER STEINMAN asked if the applicant expected many of the residents to be from out of town and without a vehicle. MR. GUSTAFSON indicated the parking requirement in San Diego is ½ space per bedroom but market conditions in Las Vegas have driven the applicant to provide more space than that. The Commissioner asked how the market could drive one space per bedroom if there is no market for this product in Las Vegas. MR. GUSTAFSON stated the applicant is trying to target local residents, not out-of-towners without vehicles. The applicant would prefer to sell the entire development to locals and would love to have people who work downtown purchase the homes and walk to work.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 70 – SUP-5686

**MINUTES – Continued:**

MR. GUSTAFSON stated that the project would begin in the low \$200,000's. The bulk of the units would be in the \$200,000 to \$500,000 with the penthouses at \$1,000,000 and up. The pricing would be competitive with the surrounding developments of a similar nature. COMMISSIONER STEINMAN explained that the Commission is concerned with affordability for the community. MR. GUSTAFSON acknowledged his comments and replied that the lower the applicant can hold the price points, the bigger the demand for the product.

COMMISSIONER EVANS stated that this project is exactly what the Commission and City has hoped for over the past five years. He said he was comfortable with the concerns listed in the staff report. He was also happy that MS. MORAN was comfortable with the project as the MORAN'S are significant stake holders in the downtown area and felt exceptionally pleased to work with Citymark. The Commissioner commended Citymark on their excellent reputation. He wished the applicant luck. In just a few years time there will be several hundred people living in the downtown area and they will bring demand for restaurants and drycleaners etc.

Prior to the motion on Item 72 [SDR-5692], MS WHEELER made some clarifications regarding the additional conditions the applicant wanted to impose on the project. She wanted to clarify the verbiage for all conditions referencing the law office by using the property address. Regarding added condition 1, she specified a foot measurement so that the condition read: "The 100 feet of the project immediately to the west of 638 South 4<sup>th</sup> Street shall not exceed six stories." Regarding added condition 5, the City is unable to enforce it so it may not be imposed. It would have to be treated as a private understanding between the two parties. The items noted on page two of the submittal were already handled by City conditions that were contained in the staff report so adding them would be redundant. MR. GUSTAFSON stated they were in agreement with all the clarifications by MS. WHEELER.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 70 [SUP-5686], Item 71 [SUP-5690] and Item 72 [SDR-5692].

(10:45 – 11:08)

**4-775**

**CONDITIONS:**

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.050 for Mixed-Use development.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 70 – SUP-5686

**CONDITIONS – Continued:**

2. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-5692).
3. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
4. The Waiver from the limitation on ground-floor residential units is hereby approved, based on the proposed grade separation and configuration of the residential entry features.
5. All City Code requirements and design standards of all City departments must be satisfied.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: M. MARGO WHEELER**

☐

**CONSENT**

☒

**DISCUSSION**

**SUBJECT:**

**SUP-5690 - SPECIAL USE PERMIT RELATED TO SUP-5686 - PUBLIC HEARING - APPLICANT: CITYMARK DEVELOPMENT LLC - OWNER: OFFICE DISTRICT PARKING 1, INC. - Request for a Special Use Permit TO ALLOW LIVE/WORK UNITS WITHIN A PROPOSED BUILDING adjacent to the northeast corner of Garces Avenue and Third Street (APN 139-34-311-095 to -102 & -105 to -110), C-2 (General Commercial) Zone, Ward 1 (Moncrief).**

**C.C.: 02/16/05 - IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

<b>0</b>

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

<b>0</b>

**RECOMMENDATION:**

Staff recommends APPROVAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**EVANS – APPROVED subject to conditions – UNANIMOUS**

**To be heard by City Council 3/02/2005**

**MINUTES:**

See Item 70 [SUP-5686] for related discussion on Item 70 [SUP-5686], Item 71 [SUP-5690] and Item 72 [SDR-5692].

(11:08 – 11:37)

4-776

**CONDITIONS:**

Planning and Development

1. Conformance to all minimum requirements listed in Title 19.06.130 for the Live/Work Overlay District.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 71 – SUP-5690

**CONDITIONS – Continued:**

2. Approval of a conformance to the Conditions of Approval for Site Development Plan Review (SDR-5692).
3. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
4. All City Code requirements and design standards of all City departments must be satisfied.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR:** M. MARGO WHEELER ☐ **CONSENT** ☒ **DISCUSSION**

**SUBJECT:**

**SDR-5692 - SITE DEVELOPMENT PLAN REVIEW RELATED TO SUP-5686 AND SUP-5690 - PUBLIC HEARING - APPLICANT: CITYMARK DEVELOPMENT LLC - OWNER: OFFICE DISTRICT PARKING 1, INC. - Request for a Site Development Plan Review FOR A 15-STORY MIXED-USE DEVELOPMENT TO INCLUDE 342 RESIDENTIAL UNITS, 13 LIVE/WORK UNITS, AND 8,600 SQUARE FEET OF COMMERCIAL SPACE AND A WAIVER OF THE DOWNTOWN CENTENNIAL PLAN BUILDING STEP-BACK REQUIREMENTS on 2.38 acres adjacent to the northeast corner of Garces Avenue and Third Street (APN 139-34-311-095 to -102 & -105 to -110), C-2 (General Commercial) Zone, Ward 1 (Moncrief).**

**C.C. 2/16/05**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**RECOMMENDATION:**

Staff recommends APPROVAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**EVANS – APPROVED subject to conditions and adding the following conditions:**

- *Meet with the Clark County School District to discuss the impact this site has on the district schools and to identify possible methods to mitigate the impacts.*
- *The 100 feet of the project immediately to the west of the law office at 638 South 4<sup>th</sup> Street shall not exceed six stories.*
- *The façade of the building west of the law office at 638 South 4<sup>th</sup> Street will be constructed with colored facade compatible with the office building at 638 South 4<sup>th</sup> Street.*
- *Prior to breaking ground, the structure north of the parking lot at 638 South 4<sup>th</sup> Street will be removed. In its place, a block wall that already partially exists will be finished to the street entrance on 4<sup>th</sup> Street.*



PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 72 - SDR-5692

**MOTION – Continued:**

- *Any and all exterior landscaping at the street level will be of mature trees and shrubs. The “green belt” will extend behind the building at 638 South 4<sup>th</sup> Street along the exterior walls.*
- *Any and all ingress and egress from Garces Avenue onto the project will be buffered subject to approval of the Planning and Development Department. Commercial vehicles will be restricted from access with the exception of waste management and emergency vehicles.*

– UNANIMOUS

To be heard by City Council 3/02/2005

**MINUTES:**

See Item 70 [SUP-5686] for related discussion on Item 70 [SUP-5686], Item 71 [SUP-5690] and Item 72 [SDR-5692].

(11:08 – 11:37)

4-776

**CONDITIONS:**

Planning and Development

1. A Special Use Permit (SUP-5686) to allow Mixed-Use development and a Special Use Permit (SUP-5690) to allow Live/Work units, approved by the City Council.
2. This Site Development Plan Review shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
3. All development shall be in conformance with the site plan and building elevations, date stamped 11/30/04, except as amended by conditions herein.
4. The Waiver from the Downtown Centennial Plan building setback requirement is hereby approved, based on the proposed façade articulation and building massing.
5. The Waiver from the Downtown Centennial Plan build-to line requirement is hereby approved, based on the requirement for the dedication of additional right-of-way.
6. A public sidewalk with a minimum width of 11 feet and a five-foot deep amenity zone directly adjacent to the curb is required along all street frontages in accordance with Graphic 7 and Graphic 8 of the Downtown Centennial Plan. The sidewalk shall include a decorative paving treatment at the intersections. All streetscape treatments shall conform

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 72 - SDR-5692

**CONDITIONS – Continued:**

to match the Fourth Street improvements installed by the City of Las Vegas (Subsection DS4.2).

7. Palm trees shall be installed in the public right-of-way along Third Street at a maximum spacing of 35 feet on center (30 feet on center preferred) in accordance with the Downtown Centennial Plan; the palm trees shall have a minimum height of 25 feet upon installation. Any changes to the streetscape treatment along Fourth Street shall conform to the requirements of the Downtown Centennial Plan.
8. Shade trees shall be installed in the public right-of-way along Bonneville Avenue and Garces Avenue at a maximum spacing of 30 feet on center (15-20 feet on center preferred) in accordance with the Downtown Centennial Plan; minimum tree size shall be a 24-inch box, although a 36-inch box size is preferred.
9. The surface parking lot at the south side of the development shall incorporate an eight-foot wide landscape buffer and 42" parking lot screen fence adjacent to the right-of-way line in accordance with Subsection DS3.1.g. of the Downtown Centennial Plan. The screen fence shall conform with the design shown in Graphic 5 of the Downtown Centennial Plan; exact specifications, shop drawings, and standard suppliers can be obtained from the City of Las Vegas Engineering Design Superintendent, Department of Public Works, 229-6272.
10. The landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.
11. The applicant shall provide and install standard Fourth Street style fixtures in place of existing fixtures in accordance with Subsection DS3.1.k of the Downtown Centennial Plan. Exact specifications, shop drawings, and standard suppliers can be obtained from the City of Las Vegas Engineering Design Superintendent, Department of Public Works, 229-6272.
12. All mechanical equipment, air conditioners and trash areas shall be fully screened from street level and surrounding building views in accordance with Subsection DS5.1.j of the Downtown Centennial Plan. Service areas shall be screened from pedestrian or street view, utilizing landscaping and/or architectural elements that are consistent with the design and materials of the primary building.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 72 - SDR-5692

**CONDITIONS – Continued:**

13. Prior to the submittal of a building permit, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
14. Any new utility or power service line provided to the site shall be placed underground from the property line to the point of on-site connection or on-site service panel location. Any existing overhead utilities in the former alley location shall be placed underground.
15. Signage for the development shall be permitted in conformance with the requirements of Title 19.14.
16. As per the Memorandum of Understanding between the City of Las Vegas and the LV Springs Preserve, the following cottage will need to be moved as a condition of approval:
  - a. 604 S. Fourth St.

Also as a condition of approval, the following cottage shall be dismantled for usable parts in the restoration of 604 S. Fourth Street, and 601, 609, and 621 S. Casino Center:

- a. 608 S. Fourth Street  
All work is to be supervised by Gregory Seymour, archeologist from the LV Springs Preserve.
17. All City Code requirements and design standards of all City departments must be satisfied.

**Public Works**

18. All existing alley rights-of-way in conflict with this site design must be vacated prior the issuance of any permits or recordation of a Final Map for any area overlying or abutting the public alley.
19. Coordinate with the City Surveyor to determine whether a Reversionary Map or other Map is necessary; if such a Map is required, it should record prior to the issuance of any permits for this site.
20. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current Las Vegas Downtown Centennial Plan Standards concurrent with development of this site. All new or modifications to existing driveways shall be designed, located and constructed in accordance with Standard Drawing #222A.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 72 - SDR-5692

**CONDITIONS – Continued:**

21. If not already constructed, the developer of this site must enter into a sewer refunding agreement that provides the full reimbursement cost for construction of the Clark Avenue sewer between Las Vegas Boulevard and Fourteenth Street. Connection to the existing 24 inch sewer in Clark Avenue and the improvements of the Clark Avenue sewer between Las Vegas Boulevard and Fourteenth Street is required prior to occupancy of this site, unless otherwise allowed by the City Engineer.
22. Landscape and maintain all unimproved rights-of-way adjacent to this site.
23. Submit an Encroachment Agreement for all landscaping and private improvements, located within or over the public rights-of-way adjacent to this site prior to occupancy of this site.
24. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. In lieu of constructing improvements, in whole or in part, the developer may agree to contribute monies for the construction of neighborhood or local drainage improvements, the amount of such monies shall be determined by the approved Drainage Plan/Study and shall be contributed prior to the issuance of any building or grading permits, or the recordation of a Map subdividing this site, whichever may occur first, if allowed by the City Engineer.
25. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 72 - SDR-5692

**CONDITIONS – Continued:**

are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such

devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.

26. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR:** M. MARGO WHEELER ☐ **CONSENT** ☒ **DISCUSSION**

**SUBJECT:**

**SUP-5687 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT/OWNER:**  
**KMW, LLC** - Request for a Special Use Permit FOR A PROPOSED ANIMAL HOSPITAL WITHOUT OUTSIDE PENS approximately 200 feet north of the intersection of Buffalo Drive and Gowan Road (APN 138-10-201-026), U (Undeveloped) Zone [O (Office) General Plan Designation] under Resolution of Intent to O (Office) Zone, Ward 4 (Brown).

**C.C.: 02/16/05 - IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

**0**

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

**0**

**RECOMMENDATION:**

Staff recommends APPROVAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**DAVENPORT – APPROVED** subject to conditions and adding the following condition:

- *The hours of operation shall be Monday to Friday 8:00 a.m. to 6:00 p.m. and Saturday from 8:00 a.m. to 4:00 p.m.*
- **UNANIMOUS** with **TRUEDELL** abstaining because his father-in-law owns a home approximately 4 houses north of this site and this project could have an effect on the values in the area

To be heard by City Council 2/16/2005

**MINUTES:**

**CHAIRMAN TRUEDELL** declared the Public Hearing open on Item 73 [SUP-5687] and Item 74 [SDR-5685].

**FLINN FAGG**, Planning and Development Department, explained that the proposed usage of an animal hospital without outside pens would be permitted in the O (Office) district, when a

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 73 - SUP-5687

**MINUTES – Continued:**

Special Use Permit is approved. There are conditions that must be satisfied which include windows in the area where the animals will be kept. The condition states no windows; however, the applicant is proposing glass block. Because that block is 8 inches thick, it would meet the sound requirements so staff is recommending approval.

Regarding the Site Development Plan Review, staff is asking that the 15 foot landscaping buffer that is required by Code be located in the space being shown on the plan as seven parking spaces. The proposed project exceeds parking requirements and the loss of those seven spaces would not require a parking waiver.

JOE GARCIA, SR Construction, 3579 Red Rock Street, appeared on behalf of the applicant and Cheyenne West Animal Center. He stated the applicant's concurrence with all conditions of approval for both applications.

ROBIN MANN and JOE MANN, 7533 Grenfell Drive, appeared and explained that they live immediately north of the subject site. She explained that when the property was rezoned, the proposal was for a children's medical and dental clinic. The Planning Commission and the City Council approved that project. The dental clinic was built and now the owners want to sell the rest of the land instead of building the medical center. MS. MANN felt that if the proposal had originally been for the dental center and an animal clinic, the project would not have been approved.

MS. MANN also stated that the animal hospital would affect the resale value of their home. She felt that the general population has a preconceived notion that an animal hospital is noisy and smelly. She concluded by asking the Commission if they would want an animal hospital in their backyard.

MICHAEL JOHNSON, 7539 West Gowan Road, said his property is just east of the proposed site. He asked for approval because there are no animal hospitals close by but there are a lot of animal owners in the area. MR. JOHNSON said he had worked with this animal hospital in the past and he was happy with their service.

MR. GARCIA stated that he could appreciate the concerns regarding noise and smells. During a neighborhood meeting held on November 30<sup>th</sup>, the residents were shown a building with sensible architecture that was set as far away from residential areas as possible. The building is being set as close to the adjacent office building as possible, which results in 65 and 60-foot setbacks from the property lines. There is more than adequate landscaping buffers being provided and there is not any outside kennel storage area for any animals. The noise would be contained and on that

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 73 - SUP-5687

**MINUTES – Continued:**

note, MR. GARCIA indicated the applicant is mitigating interior noise to below 80 decibels to protect those indoors.

COMMISSIONER McSWAIN stated that she was sensitive to the concerns of the neighbors; however, the Commission had approved a number of applications of this nature and the Site Plan showed sensitivity to the neighbors. The Commissioner felt this usage might be more benign than an office usage and she would support the item.

COMMISSIONER DAVENPORT stated he has lived with a veterinarian clinic behind him and never had a problem with it. His question pertained to the hours of operation because he thought there was some paperwork that indicated it was an emergency hospital and that implies a 24 a-day operation. MR. GARCIA informed him that it was not an emergency hospital and would conduct normal business hours.

CAROLYN LAWRENCE, 89630 West Cheyenne Avenue, appeared and stated she was the co-owner and hospital administrator for Cheyenne West Animal Hospital. She stated the hours of operation would be Monday through Friday from 8:00 a.m. to 6:00 p.m. and Saturday from 8:00 a.m. to 4:00 p.m. The hospital would be closed on Sundays. It was agreed that the hours of operation would be included as a condition of approval.

COMMISSIONER STEINMAN asked MS. LAWRENCE about waste disposal because he was concerned about the affect it could have on the neighbors. MS. LAWRENCE replied that because the facility is a hospital, medical waste such as needles and syringes are picked up by Republic Silver State on a monthly basis. As far as the animals, the waste is handled with a drain that runs behind the kennels. There is a flush system attached to it. Any excrement is deposited into the drain, which is then flushed. COMMISSIONER STEINMAN then asked why the spaces in the front of the building were not turned around. MR. GARCIA said it was irrelevant now because the spaces would be replaced by landscaping as a 15-foot buffer is required at the street front. The Commissioner was happy to hear that.

Prior to the vote on Item 74 [SDR-5685], MS. WHEELER suggested a condition be added regarding the prohibition of outside pens, runs or waiting areas because it was in the item header that way but not conditioned as such. The applicant agreed to the condition.

CHAIRMAN TRUESDELL declared the Public Hearing closed on Item 73 [SUP-5687] and Item 74 [SDR-5685].

(11:37 – 11:50)

**4-1853**



PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 73 - SUP-5687

**CONDITIONS:**

1. Conformance to Minimum Requirements of Title 19.04.050 (numbers 1, 2, 3, 5, and 6) for Animal Hospital Clinic or Shelter without Outside Pens use.
2. Approval of and conformance to the Conditions of Approval for Rezoning (Z-0073-99) and Site Development Plan Review (SDR-5685).
3. This Special Use Permit shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
4. All City Code requirements and design standards of all City departments must be satisfied.
5. A waiver of the Title 19.04.050 Minimum Requirement number 4 for Animal Hospital Without Outside Pens, that rooms containing cages or pens are not permitted to have windows on exterior walls adjacent to residences, is hereby granted. Windows of rooms containing cages or pens on the East side of the clinic shall consist of non-opening four-inch thick glass blocks.
6. A new trash enclosure meeting all Title 19.08.045.G.4 requirements shall be added to the site.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: M. MARGO WHEELER**

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**CONSENT**

☒

**DISCUSSION**

**SUBJECT:**

**SDR-5685 - SITE DEVELOPMENT PLAN REVIEW RELATED TO SUP-5687 - PUBLIC HEARING - APPLICANT/OWNER: KMW, LLC** - Request for a Site Development Plan Review FOR A 9,150 SQUARE-FOOT ANIMAL HOSPITAL WITHOUT OUTSIDE PENS AND WAIVERS OF THE LANDSCAPE BUFFER WIDTH AND BUILDING PLACEMENT STANDARDS on 0.91 acres approximately 200 feet north of the intersection of Buffalo Drive and Gowan Road (APN 138-10-201-026), U (Undeveloped) Zone [O (Office) General Plan Designation] under Resolution of Intent to O(Office) Zone, Ward 4 (Brown).

**C.C. 2/16/05**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**RECOMMENDATION:**

Staff recommends APPROVAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**DAVENPORT – APPROVED** subject to conditions and adding the following condition:

- *No exterior pens, runs or waiting areas shall be allowed.*
- **UNANIMOUS** with **TRUEDELL** abstaining because his father-in-law owns a home approximately 4 houses north of this site and this project could have a effect on the values in the area

**To be heard by City Council 2/16/2005**

**MINUTES:**

**CHAIRMAN TRUEDELL** declared the Public Hearing open on Item 73 [SUP-5687] and Item 74 [SDR-5685].

(11:37 – 11:50)

**4-1853**

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 74 - SDR-5685

**CONDITIONS:**

Planning and Development

1. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
2. All City Code requirements and design standards of all City departments must be satisfied.
3. All development shall be in conformance with the site plan and building elevations, date stamped November 30, 2004 except as amended by conditions herein.
4. A Waiver of the landscape buffer width on the west half of the south side of the building, from six feet to five feet is hereby granted.
5. A Waiver of the Building Placement Standard (19.08.045.C.4.c) is hereby granted, provided that the seven parking spaces depicted at the front of the property shall be replaced by landscaping.
6. The site plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect signage which conforms to Title 19.14 Sign Standards for the O (Office) Zone.
7. A new trash enclosure meeting all Title 19.08.045.G.4 requirements shall be added to the site.
8. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. [Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.]
9. A landscaping plan must be submitted prior to or at the same time application is made for a building permit.
10. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
11. Prior to the issuance of building permits, a revised landscape plan must be submitted to and approved by the Department of Planning and Development showing no more than 15% of the total landscaped area as turf.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 74 - SDR-5685

**CONDITIONS – Continued:**

12. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize ‘shoe-box’ fixtures and downward-directed lights. Wallpack lighting shall utilize ‘shoe-box’ fixtures and downward-directed lights on the proposed building. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
13. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.
14. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.
15. Prior to approval of any final map, the developer is required to adopt a plan for the maintenance of infrastructure improvements.
  - (a) The plan is to include a listing of all infrastructure improvements along with assignment of maintenance responsibility to a common interest community, individual property owner, or City of Las Vegas, and the proposed level of maintenance for privately maintained components.
  - (b) The agreement must be approved by the City of Las Vegas and must include a certification by the licensed professional engineer of record that all infrastructure components are addressed in the maintenance plan.
  - (c) The plan must include a statement that all properties within the community are subject to assessment for all associated costs should private maintenance obligations not be met and the City of Las Vegas is then required to provide for said maintenance.
  - (d) The adoption process must include recordation of the plan against all parcels prior to approval of the final map.

Public Works

16. Construct all incomplete half-street improvements on Buffalo Drive adjacent to this site concurrent with development of this site. Extend all required underground utilities, such as electrical, telephone, etc., located within public rights-of-way, past the boundaries of this site prior to construction of hard surfacing (asphalt or concrete).

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 74 - SDR-5685

**CONDITIONS – Continued:**

17. Remove all substandard public street improvements, if any, adjacent to this site and replace with new improvements meeting current City Standards concurrent with on-site development activities.
18. The proposed driveway accessing Buffalo Drive may not encroach into the existing bus storage lane and shall be designed, located and constructed in accordance with Standard Drawing #222A.
19. Provide a copy of a recorded Joint Access Agreement between this site and the adjoining parcel to the south prior to the issuance of any permits.
20. A Drainage Plan and Technical Drainage Study Update must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: M. MARGO WHEELER**

☐

**CONSENT**

☒

**DISCUSSION**

**SUBJECT:**

**SUP-5627 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: CHEK LINE ENTERPRISES, INC. - OWNER: DECATUR CROSSING CENTER, LLC. - Request for a Special Use Permit FOR A PROPOSED AUTO TITLE LOAN AND A WAIVER OF THE 200-FOOT DISTANCE SEPARATION REQUIREMENT FROM A RESIDENTIAL USE at 282 South Decatur (APN 138-36-516-004), C-1 (Limited Commercial) Zone [SC (Service Commercial) General Plan Designation], Ward 1 (Moncrief).**

**C.C.: 02/16/05 - IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

<b>0</b>

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.  
City Council Meeting**

<b>0</b>

**RECOMMENDATION:**

Staff recommends DENIAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**DAVENPORT – APPROVED subject to staff conditions and adding the following condition:**

- There shall be no storage of repossessed cars or sale of like cars on the premises.
- Motion carried with EVANS voting NO

**To be heard by City Council on 2/16/2005**

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open.

GARY LEOBOLD, Planning and Development Department, indicated the use is permitted with the approval of the Special Use Permit subject to meeting a number of conditions. In this case, the auto title does not comply with the separation distance requirement. There are two separate multi-family residential properties that this site would fall within 200 feet of. MR. LEOBOLD pointed out that there is a check cashing facility on the site and this auto-title loan would be

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 75 - SUP-5627

**MINUTES – Continued:**

added to that. Under the current ordinance, the existing check cashing usage would not have been allowable if proposed today based on the 90-foot proximity to residential. Intensifying the existing use by adding an auto title loan would be contrary to the intent of the ordinance. The hardship is self-imposed and staff recommended denial.

JOHN LELEU, Attorney, Kummer Kaempfer Bonner and Renshaw, 3800 Howard Hughes Parkway, appeared on behalf of the applicant. He said the request would augment a currently existing business. He agreed with all conditions and requested approval.

COMMISSIONER McSWAIN stated that the lot has an irregular shape and she assumed the reason the applicant did not meet the 200 foot minimum separation distance was because of the tail of the property heading west. She questioned what the red outline on the map denoted. MR. LEOBOLD indicated it was the commercial subdivision boundary but for the purpose of the Code, the distance is measured to the parcel boundary. The Commissioner stated she has been very supportive of the distance separation since one was established but in this particular case, there is an existing check cashing business there. She confirmed with ATTORNEY LELEU that the store will continue to offer services as a UPS store.

COMMISSIONER McSWAIN asked if there were different requirements for check cashing businesses compared to auto title loan. ATTORNEY LELEU stated that there is a different business license and that the State looks at the uses differently as well. MARGO WHEELER, Director, Planning and Development Department explained that the auto title loan usage is more intense than the check cashing usage.

COMMISSIONER McSWAIN confirmed with MS. WHEELER that the distance separation requirement was implemented because there were multiple locations concentrated in a geographical area. The Commissioner stated she would be inclined to support the application.

COMMISSIONER DAVENPORT stated that in conversations with the applicant, it was mentioned that the repossession or sales of any car would not take place on the premises. He asked if there would be a problem adding a condition stating such. ATTORNEY LELEU said that was no problem.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(11:50 – 11:57)

**4-2422**

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 75 - SUP-5627

**CONDITIONS:**

Planning and Development

1. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
2. All City Code requirements and design standards of all City departments must be satisfied.
3. Conformance to all minimum requirements under Title 19.04.050B for the Financial Institution, Specified use with the exception of the 200-foot minimum separation distance requirement from residential property.



**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR:** M. MARGO WHEELER ☐ **CONSENT** ☒ **DISCUSSION**

**SUBJECT:**

**SUP-5650 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: THOMAS GOULAS - OWNER: CRAIG MARKETPLACE, L.L.C.** - Request for a Special Use Permit FOR A PROPOSED RESTAURANT SERVICE BAR at 7121 West Craig Road, Suite #101 (APN 138-03-715-004), C-1 (Limited Commercial) Zone [SC (Service Commercial) General Plan Designation], Ward 6 (Mack).

**C.C.: 02/16/05 - IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

**0**

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

**0**

**RECOMMENDATION:**

Staff recommends APPROVAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**EVANS – APPROVED subject to conditions – UNANIMOUS**

**To be heard by City Council 2/16/2005**

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open.

GARY LEOBOLD, Planning and Development Department, explained that the application is for an existing restaurant. The applicant would like to offer beer and wine to the customers eating meals in the establishment. There are no protected uses known to be in the minimum separation distance. The use is allowed in C-1, this is permitted with an approved Special Use Permit.

JOANNA ACHILLEOS appeared on behalf of the applicant, agreed to all conditions and requested approval. She stated the restaurant serves the best Greek food in town and the customers have been asking when they could purchase wine with their meals.

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Planning and Development Department  
Item 76 - SUP-5650

**MINUTES – Continued:**

CHAIRMAN TRUESDELL declared the Public Hearing closed.  
(11:57 – 12:00)  
**4-2753**

**CONDITIONS:**

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04 for the Restaurant Service Bar use.
2. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
3. All City Code requirements and design standards of all City departments must be satisfied.
4. Approval of this Special Use Permit does not constitute approval of a liquor license.
5. The sale of alcoholic beverages shall be limited to the sale of beer and wine only.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR:** M. MARGO WHEELER ☐ **CONSENT** ☒ **DISCUSSION**

**SUBJECT:**

**SUP-5659 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: ZDZISLAW PELKA - OWNERS: MASAO ISHIHAMA AND ASAKO ISHIHAMA REVOCABLE TRUST - Request for a Special Use Permit FOR A PROPOSED LIQUOR ESTABLISHMENT (OFF-SALE) at 5900 West Charleston Boulevard, Suite #4 (APN 138-36-406-006), C-1 (Limited Commercial) Zone [PROPOSED: SC (Service Commercial) General Plan Designation], Ward 1 (Moncrief).**

**C.C.: 02/16/05 - IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

**1**

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

**0**

**RECOMMENDATION:**

Staff recommends APPROVAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**McSWAIN – APPROVED subject to conditions – UNANIMOUS with EVANS not voting**

**To be heard by City Council 2/16/2005**

**MINUTES**

CHAIRMAN TRUESDELL declared the Public Hearing open.

GARY LEOBOLD, Planning and Development Department, explained that the Special Use Permit would add to an existing grocery store at the subject location. A liquor establishment off-premise consumption is a permitted use within the zoning district with approval of the Use Permit. The nearest liquor establishment use is located within 400 feet of the proposed use. There are no separation requirements and there are no protected uses within the 400-foot radius. The sales use would be ancillary to the grocery sales use and there are commercial uses similar to this along Charleston Boulevard. This use would be appropriate for the location.

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Planning and Development Department  
Item 77 - SUP-5659

**MINUTES – Continued:**

JOANNA KOLAKOSKA, 5900 West Charleston Boulevard, appeared with JIM LAFAVE and NANAN YORK, Kajioka and Associates, 810 Casino Center Boulevard, appeared on behalf of the owners and agreed to all conditions.

KEVIN DAVIS, 5600 Del Rey Avenue, appeared and stated he was the president of the PTA for the elementary school in the area. MR. DAVIS explained that the section between Decatur Boulevard and Jones Boulevard is struggling with redevelopment. His wishes for redevelopment involve four items. First, the power lines should come down. The second item would be an increase in landscaping. Third, he would like to see all the billboards from the area removed. Finally, he would like to see alcohol establishments shut down. He acknowledged the power lines are difficult to relocate, the landscaping is being handled by the City. Regarding billboards and alcohol establishments, MR. DAVIS said he and his daughter did some research and found 11 liquor stores and 9 billboards in the area. He asked that the Commission deny this application because the area is sensitive and needs the help of the board. Adding another liquor store would not help the community.

MR. LAFAVE rebutted by saying this request was not for an open bar establishment but for an existing ethnic grocery store to be able to sell imported beer and wine from Poland. The patrons of the store have requested these products. The alcohol would not be consumed on premises.

COMMISSIONER McSWAIN confirmed with MR. LAFAVE that the existing use is a market and that it is a market environment, not one of a liquor store. Regarding the comments of MR. DAVIS, the Commissioner said that in her opinion, the board has acted responsibly in decisions affecting the area. She did recollect that any billboard application for this area had moved forward to Council with a recommendation of denial. COMMISSIONER McSWAIN indicated she would not support any billboards along Charleston Boulevard or Sahara Avenue, particularly in this area.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(12:00 – 12:08)

**4-2901**

**CONDITIONS:**

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04 for the Restaurant Service Bar use.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 77 - SUP-5669

**CONDITIONS – Continued:**

2. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
3. All City Code requirements and design standards of all City departments must be satisfied.
4. Approval of this Special Use Permit does not constitute approval of a liquor license.
5. The sale of alcoholic beverages shall be limited to the sale of beer and wine only.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR:** M. MARGO WHEELER ☐ **CONSENT** ☒ **DISCUSSION**

**SUBJECT:**

**SUP-5664 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: SAMUEL M MARTINEZ - OWNER: THE CHARLESTON CENTER, LLC** - Request for a Special Use Permit for a PROPOSED LIQUOR ESTABLISHMENT (RESTAURANT SERVICE BAR) in conjunction with an existing restaurant at 5000 W Charleston Boulevard, Unit D (APN 138-36-804-003), C-1 (General Commercial) Zone, Ward 1 (Moncrief).

**C.C.: 02/16/05 - IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

**1**

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

**0**

**RECOMMENDATION:**

Staff recommends APPROVAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**McSWAIN – APPROVED subject to conditions – UNANIMOUS**

**To be heard by City Council 2/16/2005**

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open.

GARY LEOBOLD, Planning and Development Department, explained that the applicant would like to offer beer and wine to customers with their meals. This use is allowed in the C-1 zone subject to conditions. The restaurant is surrounded by other commercial uses and the request is compatible to staff.

MIGUEL MANZO appeared to translate for the applicant, SAMUEL MARTINEZ. MR. MANZO explained that the applicant has had many customers asking to buy beer or wine with their meals. The applicant believed not serving drinks was causing him to lose customers. The applicant agreed with all conditions.

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Planning and Development Department  
Item 78 - SUP-5664

**MINUTES – Continued:**

COMMISSIONER McSWAIN said that she did not believe it was possible to competitively run a restaurant without being able to offer beer and wine with meals.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(12:08 – 12:10)

**4-3344**

**CONDITIONS:**

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04 for the Restaurant Service Bar use.
2. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
3. All City Code requirements and design standards of all City departments must be satisfied.
4. Approval of this Special Use Permit does not constitute approval of a liquor license.
5. The sale of alcoholic beverages shall be limited to the sale of beer and wine only.

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR:** M. MARGO WHEELER ☐ **CONSENT** ☒ **DISCUSSION**

**SUBJECT:**

**SUP-5666 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: OMID TABATABAI, DVM - OWNER: DELIA FRANCO** - Request for a Special Use Permit FOR A PROPOSED ANIMAL CLINIC at 701 East Charleston Avenue (APN 139-34-410-237), C-1 (Limited Commercial) Zone [C (Downtown - Commercial) General Plan Designation], Ward 5 (Weekly).

**C.C.: 02/16/05 - IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

**0**

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

**0**

**RECOMMENDATION:**

Staff recommends APPROVAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**McSWAIN – APPROVED subject to conditions – UNANIMOUS**

**To be heard by City Council 2/16/2005**

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open.

FLINN FAGG, Planning and Development Department, stated that the application is for an emergency animal clinic facility. This use is allowed with approval of a Special Use Permit.

OMID TABATABAI appeared and agreed with all conditions. COMMISSIONER DAVENPORT confirmed that facility would be a 24-hour facility.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(12:10 – 12:12)

**4-3466**



PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 79 - SUP-5666

**CONDITIONS:**

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.050 for Animal Clinic use.
2. Approval of and conformance to the Conditions of Approval for Rezoning (Z-0005-66), and the Redevelopment Plan for the Downtown Las Vegas Redevelopment Area.
3. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
4. A new trash enclosure meeting Title 19.08.045.G.4 requirements shall be added to the site. If an existing refuse collection area is onsite, it shall be upgraded to meet Title 19.08.045.G.4 requirements.

Public Works

5. Dedicate a ten-foot radius on the northeast corner of Charleston Boulevard and 7<sup>th</sup> Street prior to the issuance of a Certificate of Occupancy. Coordinate with the Right-of-Way Section of the Department of Public Works for assistance in the preparation of appropriate documents prior to the issuance of a Certificate of Occupancy. This condition shall not be enforced if the applicant provides proof of existing signage or other permanent improvements within the area requested for dedication.
6. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards prior to the issuance of a Certificate of Occupancy.
7. The two existing parking stalls located at the southeast corner of the site that back onto the alley shall not be utilized.

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: M. MARGO WHEELER**

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**CONSENT**

☒

**DISCUSSION**

**SUBJECT:**

**SUP-5688 - SPECIAL USE PERMIT - PUBLIC HEARING - OWNER: A.J. GILBERT - APPLICANT: EDWARD KAKOSIAN** - Request for a Special Use Permit FOR A PROPOSED MOTOR VEHICLE SALES (USED) USE AND A WAIVER FROM THE MINIMUM SITE AREA REQUIREMENT TO ALLOW TWO PARCELS TO BE USED TO MEET THE REQUIREMENT at 2201 Industrial Road (APN 162-04-803-008 and 009), C-M (Commercial/Industrial) Zone, Ward 1 (Moncrief).

**C.C.: 02/16/05 - IF DENIED: P.C.: FINAL ACTION (Unless appealed within 10 days)**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**RECOMMENDATION:**

Staff recommends APPROVAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**McSWAIN – APPROVED subject to conditions – UNANIMOUS**

**To be heard by City Council 2/16/2005**

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open.

GARY LEOBOLD, Planning and Development Department, explained that the request was for a Special Use Permit for motor vehicle sales stems from the fact that it is a conditional use in the CM zone but the applicant is unable to meet a condition regarding a minimum site area of 25,000 square feet. There are two lots in question and each has buildings on them. The car sales activity would straddle the two lots in the middle. There is more than 25,000 square feet available but it is distributed between the two lots. The applicant was encouraged to consider an administrative joining of the two lots but the owner is not amenable to that because he might want to sell one lot

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
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Item 80 - SUP-5688

**MINUTES – Continued:**

in the future. Because of this, the request has a condition stating that the permit is only active as long as both lots are used for the use.

He continued that there is a shop but it is not actively used as a sales area. He suggested that the applicant could give more information on that structure.

EDWARD KAKOSIAN, 2201 Industrial Road, appeared and agreed to all conditions. CHAIRMAN TRUESDELL confirmed with MR. KAKOSIAN that he understood that the permit, if approved, would only be valid while the use was on both properties. If one of the lots were to be sold, the permit would be void.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(12:12 – 12:15)

**4-3583**

**CONDITIONS:**

Planning and Development

1. The Motor Vehicle Sales (Used) use shall occur on a minimum of 25,000 square feet, thereby requiring the two parcels to remain connected as long as this use is conducted on the site.
2. Conformance to all Minimum Requirements under Title 19.04.050 for the Motor Vehicle Sales (Used) use.
3. The applicant shall revise the site plan to show one van accessible handicap space that is compliance with the standards prior to the approval of a business license for the Motor Vehicle Sales (Used) use.
4. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
5. Vehicles displayed, stored or sold, or exchanged from the subject property shall have been manufactured within the last five (5) model years of the display, storage, sale or exchange date. Customer and employee vehicles, classic or collector vehicles (defined as any motor vehicle, including trucks, that are at least twenty (20) model years old, or any motor vehicle of a defunct make), or any vehicle displayed inside the building shall be exempt from this limitation.

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Item 80 - SUP-5688

**CONDITIONS – Continued:**

6. No temporary special events signs such as banners, pennants, inflatable objects (other than small balloons), streamers, flags, strobe lights or other similar attention gaining items or devices shall be displayed upon the subject property or on any vehicle displayed for sale in the parking lot of the subject property.
7. The used car dealership shall not operate on Sundays.
8. All City Code requirements and design standards of all City departments must be satisfied.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR:** M. MARGO WHEELER ☐ **CONSENT** ☒ **DISCUSSION**

**SUBJECT:**

**SDR-5660 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT: JMA ARCHITECTURE STUDIO - OWNER: CHARLESTON/CASINO CENTER, LLC** - Request for a Site Development Plan Review FOR A 20-STORY MIXED-USE DEVELOPMENT TO INCLUDE 98 RESIDENTIAL UNITS AND 5,300 SQUARE FEET OF COMMERCIAL SPACE AND A WAIVER OF THE DOWNTOWN CENTENNIAL PLAN STREETSCAPE REQUIREMENTS on 0.76 acres adjacent to the northeast corner of Charleston Boulevard and Casino Center Boulevard (APN 139-34-410-047),C-2 (General Commercial) Zone, Ward 1 (Moncrief).

**C.C. 2/16/05**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**RECOMMENDATION:**

Staff recommends APPROVAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**EVANS – APPROVED** subject to conditions and amending the following condition:

19. *Meet with the Clark County School District to discuss the impact this site plan has on the District's schools, and to identify possible methods to mitigate the impacts.*  
 – UNANIMOUS with TRUESDELL abstaining because he owns property directly south of the subject site.

**To be heard by City Council 2/16/2005**

NOTE: CHAIRMAN TRUESDELL disclosed that although the property he owns is outside the notification area for this project, because of the character and scale of the project, he felt he should abstain in an abundance of caution.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 81 - SDR-5660

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open.

FLINN FAGG, Planning and Development Department, explained the Site Plan was for a mixed-use development including 98 residential units and 5,300 square-feet of commercial space. A total of 156 parking spaces would be provided within the structure and 60 spaces would be in a tandem configuration. The project requires a waiver of the streetscape standards to fit the constrained right-of-way existing on Charleston Boulevard. Staff recommended approval of the waivers because the applicant met the requirement as closely as possible and provided the pedestrian environment that is suggested by the Downtown Centennial Plan.

GREG BORGEL, 300 South 4<sup>th</sup> Street, appeared on behalf of the applicant and thanked staff for their recommendation. MR. BORGEL explained that the applicant is requesting a waiver to the building setback rule at the 4<sup>th</sup>, 11<sup>th</sup>, and 18<sup>th</sup> floors because the rule was not precisely adhered to. The applicant does have a setback at the 7<sup>th</sup> floor and staff has determined there is considerable building articulation, which is the purpose of the setback requirement.

MR. BORGEL also indicated that the build to line and streetscape requirements have not been precisely met because of the unusual site shape. There are street width constraints on Charleston Boulevard, which have forced the applicant to accommodate those requirements as best as possible. The applicant has come very close to meeting the requirements. He concluded by stating the price points of the project are estimated to be from \$250,000 to \$500,000 per unit.

COMMISSIONER STEINMAN asked MR. BORGEL why Casino Center Boulevard was shown on the plan with dual ingress/egress lanes side by side to each other. MR. BORGEL clarified for the Commissioner how the dual lanes would work well on the site. COMMISSIONER STEINMAN disagreed and thought the lanes would result in conflict at that point until the residents learn how the lanes are intended to work. MR. BORGEL replied that the left turns the Commissioner felt would cause the conflict would most likely be prohibited. COMMISSIONER STEINMAN pointed out that if he had a Traffic Study to review, he might have had that information.

COMMISSIONER EVANS stated the project is a great looking building and commended MR. BORGEL on the façade on the south side, which is described as having a Frank Gary look. The Commissioner found the back up report to be lacking a color rendering of the project so he could not determine the materials being used. MR. BORGEL explained that there is minimal metal used in the balcony presentations. The primary building materials would essentially be glass and concrete. MR. BORGEL commended JOHN LOCHMAN from JMA Architecture for his design work on the project.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 81 - SDR-5660

**MINUTES – Continued:**

MR. BORGEL noted that Condition 19 was much lengthier than that which was originally presented to the applicant. He asked if the verbiage could be amended back to the shorter verbiage. MR. BORGEL feared the building permit would be held up by the school district with the current language. DAVID GUERRA, Department of Public Works explained that it would be fine to amend the language as requested so that it was consistent with the conditions being added onto other high-rise developments. The amendment was incorporated into the motion.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(12:15 – 12:25)

**5-95**

**CONDITIONS:**

Planning and Development

1. This Site Development Plan Review shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
2. All development shall be in conformance with the site plan and building elevations, date stamped 11/24/04, except as amended by conditions herein.
3. The Waiver from the Downtown Centennial Plan building stepback requirement is hereby approved, based on the proposed façade articulation and height variation of the building elements.
4. The Waiver from the Downtown Centennial Plan build-to line requirement is hereby approved, based on the provision of additional area for a public sidewalk.
5. The Waiver from the Downtown Centennial Plan streetscape requirement for 11-foot wide sidewalks and a five-foot amenity zone is hereby approved, due to the constraints of the public right-of-way. All other streetscape elements shall conform to the Downtown Centennial Plan requirements, and shall match the Fourth Street improvements installed by the City of Las Vegas.
6. The landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.
7. The applicant shall provide and install standard Fourth Street style fixtures in place of existing fixtures in accordance with Subsection DS3.1.k of the Downtown Centennial

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
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Item 81 - SDR-5660

**CONDITIONS – Continued:**

Plan. Exact specifications, shop drawings, and standard suppliers can be obtained from the City of Las Vegas Engineering Design Superintendent, Department of Public Works, 229-6272.

8. All mechanical equipment, air conditioners and trash areas shall be fully screened from street level and surrounding building views in accordance with Subsection DS5.1.j of the Downtown Centennial Plan. Service areas shall be screened from pedestrian or street view, utilizing landscaping and/or architectural elements that are consistent with the design and materials of the primary building.
9. Prior to the submittal of a building permit, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
10. Any new utility or power service line provided to the parcel shall be placed underground from the property line to the point of on-site connection or on-site service panel location, in accordance with Subsection DS2.1.f of the Downtown Centennial Plan.
11. Utilities and power service lines in alleys shall be located underground in accordance with Subsection DS2.1.f. of the Downtown Centennial Plan. In addition, the surfacing of the alley shall conform to the Alleyway Treatment, as described in Subsection DS2.1.g, and as depicted in Graphic 4 of the Downtown Centennial Plan.
12. Sign and record a Covenant Running with Land agreement for the possible future installation and/or relocation of half-street improvements in accordance with Downtown Centennial Standards for all improvements not required to be constructed at this time as a result of the requested Waiver. Such Covenant Running with Land agreement shall record prior to the issuance of any permits (or the recordation of a Final Map for this site).
13. Signage for the development shall be permitted in conformance to the Arts District requirements of Downtown Centennial Plan.
14. All City Code requirements and design standards of all City departments must be satisfied.

**Public Works**

15. Dedicate a 10-foot radius on the northeast corner of Casino Center Boulevard and Charleston Boulevard prior to the issuance of any permits.



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**CONDITIONS – Continued:**

16. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current Las Vegas Downtown Centennial Plan Standards concurrent with development of this site.
17. All new or modifications to existing driveways shall be designed, located and constructed in accordance with Standard Drawing #222A. We note that the proposed driveway accessing the public alley does not meet separation design standards and must be eliminated, relocated, or be restricted to egress only.
18. Coordinate with the Collection System Planning Section of the Department of Public Works to determine an appropriate location for public sewer connection to this site, prior to the issuance of any permits. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits as required by the Department of Public Works. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.
19. Coordinate with the Clark County School District to determine the impact this site plan has on the District's schools, and to identify possible methods to mitigate the impacts, prior to the issuance of any permits or the recordation of any maps subdividing this site. Additional public rights-of-way and public street improvements may be required to facilitate such mitigation.
20. Landscape and maintain all unimproved rights-of-way adjacent to this site.
21. Submit an Encroachment Agreement for all landscaping and private improvements, located within the public rights-of-way adjacent to this site prior to occupancy of this site.
22. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways as recommended.
23. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings

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**CONDITIONS – Continued:**

#234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.

24. The approval of all Public Works related improvements shown on this Site Development Plan Review is in concept only. Specific design and construction details relating to size, type and/or alignment of improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to submittal of a Tentative Map or construction drawings, whichever may occur first. No deviations from adopted City Standards shall be allowed unless specific written approval for such is received from the City Engineer prior to the submittal of a Tentative Map or construction drawings, whichever may occur first.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR:** M. MARGO WHEELER ☐ **CONSENT** ☒ **DISCUSSION**

**SUBJECT:**

**SDR-5711 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT: SANSONE DEVELOPMENT - OWNER: BUREAU OF LAND MANAGEMENT** - Request for a Site Development Plan Review FOR A 40,125 SQUARE-FOOT COMMERCIAL DEVELOPMENT AND WAIVERS OF THE BUILD TO LINE, FRONT LANDSCAPING, AND FRONT, SIDE AND REAR SETBACK STANDARDS on 4.18 acres adjacent to the southwest corner of Lake Mead Boulevard and Rock Springs Drive (APN 138-22-701-005), U (Undeveloped) [PF (Public Facilities) General Plan Designation] Under Resolution Intent to C-1 (Limited Commercial) Zone, Ward 4 (Brown).

**C.C. 2/16/05**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

**0**

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

**0**

**RECOMMENDATION:**

Staff recommends DENIAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**NIGRO** motioned to bring forward and **HOLD IN ABEYANCE** Item 19 [SDR-5700], Item 35 [ZON-5653], Item 36 [SUP-5853], Item 37 [SDR-5657], Item 53 [VAR-5693], Item 54 [VAR-5694], Item 55 [SUP-5691], Item 56 [SDR-5689], Item 59 [VAR-5701] and Item 82 [SDR-5711] to the 2/10/2005 Planning Commission Meeting and **WITHDRAW WITHOUT PREJUDICE** Item 31 [VAR-5216] and Item 42 [GPA-5661] – **UNANIMOUS**

**MINUTES:**

GARY LEOBOLD, Planning and Development, stated that letters are on file for each of the requests.

(6:05 – 6:08)

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR: M. MARGO WHEELER**

☐

**CONSENT**

☒

**DISCUSSION**

**SUBJECT:**

**MSP-5696 - MASTER SIGN PLAN - PUBLIC HEARING - APPLICANT: EN ENGINEERING INC. - OWNER: MARY BARTSAS 13, LLC** - Request for a Master Sign plan FOR A PROPOSED COMMERCIAL DEVELOPMENT at the northwest corner of Craig Road and Jones Boulevard (APN 138-02-601-004), R-E (Residential Estate) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial) Zone, Ward 6 (Mack).

**P.C. FINAL ACTION**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

**0**

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

**0**

**RECOMMENDATION:**

Staff recommends APPROVAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**NIGRO – APPROVED subject to conditions – UNANIMOUS**

**This is Final Action**

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open.

FLINN FAGG, Planning & Development Department, explained that the Master Sign Plan would allow two, 40-foot tall, pylon signs, five monument signs, wall and window signage, menu boards and directional signage for a commercial development. The proposed signage is in compliance with requirements of Title 19.14 and staff recommended approval.

CHRIS MONN, EN Engineering, 245 East Warm Springs Road, appeared on behalf of the applicant and accepted all conditions.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 83 - MSP-5696

**MINUTES – Continued:**

CHAIRMAN TRUESDELL declared the Public Hearing closed.  
(12:25 – 12:27)  
**5-412**

**CONDITIONS:**

Planning and Development

1. Conformance to the sign elevations and documentation as submitted in conjunction with this request, date stamped 11/30/04, except as amended by conditions herein.
2. All signage shall have proper permits obtained through the Building and Safety Department.
3. The pylon signs shall be limited to 40 feet in height in accordance with the drawing on Page 13 of the Master Sign Plan document. The table on Page 6 of the document shall be corrected accordingly.
4. Fast-food menu boards shall be permitted in accordance with the requirements of Title 19.14.060(F).
5. Any future amendments to the Master Sign Plan which are in compliance with the requirements of Title 19.14 for the subject zoning district may be reviewed and approved administratively by the Planning and Development Department.

Public Works

6. Signs shall not be located within the public right-of-way, existing or proposed public sewer or drainage easements, or interfere with Site Visibility Restriction Zones.
7. Site development to comply with all applicable conditions of approval for the Lowe's Plaza at Craig and Jones commercial subdivision (TMP-5698) and all other applicable site-related actions.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR:** M. MARGO WHEELER ☐ **CONSENT** ☒ **DISCUSSION**

**SUBJECT:**

**ABEYANCE - DIR-5620 - DIRECTOR'S BUSINESS - PUBLIC HEARING -**  
**APPLICANT/OWNER: CITY OF LAS VEGAS - Election of the 2005 Planning**  
**Commission Officers.**

**P.C. FINAL ACTION**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**RECOMMENDATION:**

Staff has NO RECOMMENDATION

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report

**MOTION:**

**McSWAIN – APPROVED the appointment of TODD NIGRO as Chairman and RIC**  
**TRUEDELL as Vice Chairman effective 1/27/2005 – UNANIMOUS**

**MINUTES:**

COMMISSIONER GOYNES suggested having no change in the Commission Officers;  
however, COMMISSIONER McSWAIN motioned otherwise.

(12:27 – 12:28)

5-463

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR:** M. MARGO WHEELER ☐ **CONSENT** ☒ **DISCUSSION**

**SUBJECT:**

**TXT-5760 - TEXT AMENDMENT - PUBLIC HEARING - CITY OF LAS VEGAS -**  
Discussion and possible action to amend Title 19.08.060(A), "Applicability," to require the application of Residential Adjacency Standards to properties within the Las Vegas Redevelopment Area.

THIS WILL BE SENT TO CITY COUNCIL IN ORDINANCE FORM

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

0

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

0

**RECOMMENDATION:**

Staff recommends APPROVAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**NIGRO – APPROVED subject to conditions – UNANIMOUS**

**To be forwarded to City Council in Ordinance form.**

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open.

MARGO WHEELER, Director, Planning & Development Department, explained the amendment would eliminate references to the City's redevelopment area as part of any development standards. Redevelopment area adoption is based upon findings of blight and has financial implications base on state law. It is not relevant to development standards so staff suggests removing the sections of the Code that link development standards to the redevelopment project area.

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 85 - TXT-5760

**MINUTES – Continued:**

MS. WHEELER further explained that staff did not feel the issue of whether a property is within the redevelopment project area should not dictate what the development standards are. The development standards are a function of the zoning Code.

CHAIRMAN TRUESDELL stated that he understood the purpose of the amendment was to clean up some language issues; however, he hoped it would not result in affording a shortcut to developers. MS. WHEELER assured him that the amendment would eliminate shortcuts.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(12:28 – 12:31)

**5-502**

**CONDITIONS:**

1. Title 19.04.050(B), “Minimum Requirements,” is hereby amended as follows:

**SENIOR CITIZEN APARTMENTS [C-1]**

5. For any development that, in accordance with LVMC 19.08.045, is allowed to exceed the maximum lot coverage provisions set forth in that Section, all landscape buffer requirements shall be met. In addition, ~~for any development that is not located within the Downtown Las Vegas Redevelopment Area, as established by Ordinance No. 3218 and amended from time to time,~~ the minimum setback requirements for the C-1 District shall be met.
2. Title 19.08.060(A), “Applicability,” is hereby amended as follows:
  3. ~~The following property is not subject to the residential adjacency standards set forth in this Subchapter:~~
    - ~~a. Property located within the boundaries of the Downtown Overlay District, as described by ordinance.~~
    - ~~b. Property located within the boundaries of the Las Vegas Redevelopment Area, as described by ordinance.~~



PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 85 - TXT-5760

**CONDITIONS – Continued:**

Property within the boundaries of the Downtown Overlay District, as described by ordinance, is not subject to the residential adjacency standards set forth in this Subchapter.

**AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

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**DEPARTMENT: PLANNING & DEVELOPMENT**

**DIRECTOR:** M. MARGO WHEELER ☐ **CONSENT** ☒ **DISCUSSION**

**SUBJECT:**

**TXT-5763 - TEXT AMENDMENT - PUBLIC HEARING - CITY OF LAS VEGAS -**  
Discussion and possible action to amend Title 19.10.010(C), "Parking-Impaired Development," to clarify re-use/expansion requirements and conformance with parking standards.

**THIS WILL BE SENT TO CITY COUNCIL IN ORDINANCE FORM**

**PROTESTS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**APPROVALS RECEIVED BEFORE:**

**Planning Commission Mtg.**  
**City Council Meeting**

<b>0</b>

**RECOMMENDATION:**

Staff recommends APPROVAL

**BACKUP DOCUMENTATION:**

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Justification Letter

**MOTION:**

**McSWAIN – APPROVED subject to conditions – UNANIMOUS**

**To be forwarded to City Council in Ordinance form**

**MINUTES:**

CHAIRMAN TRUESDELL declared the Public Hearing open.

MARGO WHEELER, Director, Planning and Development Department, explained that this amendment would clean up existing language to insure the proper implementation of the Code so that a project that is currently deficient in parking is still allowed to remodel and improve and re-tenant but they may not however, expand an area resulting in the need for additional parking without requesting a Variance.

COMMISSIONER McSWAIN thought the clarification was needed.

CHAIRMAN TRUESDELL declared the Public Hearing closed.

(12:31 – 12:33)

**5-577**

PLANNING COMMISSION MEETING OF JANUARY 13, 2005  
Planning and Development Department  
Item 86 - TXT-5763

**CONDITIONS:**

1. Title 19.10.010(C), "Parking-Impaired Development," is hereby amended as follows:

**C. Parking-Impaired Development.**

A land use or building which is existing on the effective date of this Title and which complied with the applicable parking standards at the time the use or building was established, but which does not comply with the requirements of this subchapter, shall not be considered a nonconforming use or non-conforming building; but rather, it shall be considered a "parking-impaired development." ~~Building permits and certificates of occupancy may be issued for remodeling or structural alterations of parking-impaired developments without requiring compliance with this chapter, provided that such redevelopment does not increase the building area or result in a change of use which requires an increased number of required parking spaces. If, when calculating the parking requirement of the existing or previous use utilizing the standards contained in this chapter, the development or redevelopment of a parking-impaired development does require more parking than the previous or existing use, then only the increased number of parking spaces shall be required.~~

- 1. Building Permits.** Building permits and certificates of occupancy may be issued for remodeling or structural alterations of parking-impaired developments without requiring compliance with this chapter, provided that such work does not increase the building area or result in a change of use which requires an increased number of required parking spaces.
- 2. Change of Use.** For any change of use which requires more parking than the previous or existing use of a parking-impaired development, only the increased number of parking spaces shall be required.
- 3. Expansion of a Parking Impaired Development.** For any expansion or reuse of a parking-impaired development, including the expansion of existing buildings or the construction of new buildings, only the increased number of parking spaces shall be required.



**PLANNING COMMISSION AGENDA**  
**PLANNING COMMISSION MEETING OF: JANUARY 13, 2005**

**CITIZENS PARTICIPATION:**

ITEMS RAISED UNDER THIS PORTION OF THE PLANNING COMMISSION AGENDA CANNOT BE ACTED UPON BY THE PLANNING COMMISSION UNTIL THE NOTICE PROVISIONS OF THE OPEN MEETING LAW HAVE BEEN COMPLIED WITH. THEREFORE, ACTION ON SUCH ITEMS WILL HAVE TO BE CONSIDERED AT A LATER TIME.

**MINUTES:**

MARGO WHEELER, Director, Planning and Development Department, reminded the Commissioners that the Planning Commission Workshop was scheduled for January 20, 2005, at 12:00 p.m. at the Development Services Center 2<sup>nd</sup> floor conference room. She informed them that the agenda and back up packages had been delivered to their respective offices.

COMMISSIONER McSWAIN thanked CHAIRMAN TRUESDELL for his thoughtful and intelligent service over the past year. VICE CHAIRMAN NIGRO said it was wonderful to serve as Vice-Chairman under RIC TRUESDELL and he thanked him for his service. He also thanked all of the Commissioners and staff and appreciated the opportunity to Chair the Board.

VICE CHAIRMAN NIGRO asked MS. WHEELER if waivers for streetscape requirements in the downtown area would be discussed during the workshop because there seemed to be several requests for that. MS. WHEELER said the largest request in the area is usually a waiver for the stepback requirements at the 4<sup>th</sup>, 7<sup>th</sup> and 11<sup>th</sup> levels. The streetscape itself is the subject of a multi-departmental study at this time regarding the relationship between the City and private developers. The topic could be discussed during the meeting.

COMMISSIONER STEINMAN asked MS. WHEELER if staff could assemble a list of all of the high-rise developments the Board has approved recently. MS. WHEELER invited everyone to view the Planning Department's website to view a map showing all of the approved projects in the downtown area. The size, number of units and amounts of commercial space are included.

**MEETING ADJOURNED AT 12:33 P.M.**

Respectfully submitted:

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STACEY CAMPBELL, DEPUTY CITY CLERK

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ARLENE COLEMAN, DEPUTY CITY CLERK